



## **GEORGIA RULE OF LAW PROJECT**

### **Quarterly Report**

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## **Introduction**

The main political event that took place during this reporting quarter was the situation in the Adjara Autonomous Republic. Tensions grew over several months, resulting in Aslan Abashidze leaving the region altogether. This development led to the creation of a temporary administration as well as the reelection of the Supreme Council of the Adjara Autonomous Republic. The main legislative news for the quarter was the preparation and adoption of the Constitutional Law on the Status of the Adjara Autonomous Republic. This is a significant legislative development, because it is the first time that a special law has been adopted to regulate the status of a region of Georgia. During the quarter, the government of Georgia also directed its attention towards the self-declared Republic of South Ossetia. Indications are that major developments are also likely in this region in the coming quarter.

IRIS increased its activities within the NGO Anticorruption Coalition. An IRIS staff attorney was specifically appointed to collaborate with the coalition. IRIS participated in several events organized by the coalition as well as events organized by the special anticorruption division of the Security Council of Georgia. IRIS staff attorneys drafted the Access to Information component of the 2004 Alternative Corruption Status Report of Georgia, which was submitted by the coalition to the Anti-Corruption Network (ACN) of the OECD. Upon request from the Security Council's Special Anti-Corruption Subdivision, IRIS was also involved in finalizing the Anti-Corruption Strategy of the Georgian Government. Several meetings were held in IRIS's office with representatives of the Security Council's Special Anti-Corruption Division and several NGOs to ensure that the document was of high-quality.

During the quarter IRIS was actively involved in meetings that USAID hosted on their new Performance Monitoring Plans (PMPs). IRIS also attended USAID meetings on financial and tax issues. The meetings on tax issues were particularly important, because resolution of problems with the tax administration will significantly simplify the daily activities of IRIS and our partner organizations.

USAID selected IRIS as its partner organization for implementation of the first phase of its Anti-Trafficking in Persons activities. During the quarter, IRIS initiated its work on this, with a concrete program to be designed and finalized during the next quarter.

In terms of grant administration, several agreements were concluded during the quarter. The main problem for IRIS was staff turnover in partner organizations, which was highlighted in the previous quarterly report. We predict that relatively high turnover will remain to be a problem for the foreseeable future.

Throughout the quarter, IRIS continued to coordinate its activities with USAID and other international organizations. In particular, IRIS had discussions with the Georgian Enterprise Growth Initiative (GEGI) to collaborate on issues related to personal data (see Task 4) and licensing, among others. Through this partnership, IRIS hopes to increase the efficiency of various US government-funded projects. IRIS also met with other donor

organizations on issues related to Georgia's existing free legal aid system (see Task 2). Collaboration with other USAID partners is discussed further in the detail of this report.

## **TASK 1: Raising Public Awareness, Raising Public Confidence**

### **GYLA**

During the reporting period, GYLA continued its substantial and diverse activities. In order to reach the most diverse population possible, GYLA combined different types of events and added new components to its regular activities. Seminars, workshops, roundtable discussions, town hall meetings and bus tours were organized. Topics selected for the events met both the contract requirements and the needs of a rapidly developing civil society.

Proven as an effective means of raising public awareness, publishing activities were continued. GYLA produced its usual array of informational publications (leaflets, booklets, journals, and brochures), which addressed the related topics of legal obstacles and human rights.

GYLA continued conducting seminars and workshops on *The European Convention of Human Rights* (ECHR). A meeting on this subject was held April 17-18 in Tbilisi. Topics discussed were prohibition of torture and inhumane treatment, degrading treatment or punishment, rights to liberty and security, rights to a fair trial, and freedom of thought, conscience and religion. Representatives of NGOs, attorneys and law students participated in the seminar. After an analysis of the European Court of Human Rights, moot courts were conducted.

For further discussion on themes related to ECHR, a workshop was organized on May 15-17 for students and young lawyers. Topics discussed were the general scope of the convention, application to the ECHR; prohibition of torture and inhumane treatment, degrading treatment or punishment, rights to liberty and security and the right to a fair trial. Moot courts were also conducted to discuss the related articles.

Since GYLA is putting more emphasis on social-economic rights in accordance with its new agreement with IRIS, a seminar was organized to discuss issues of social security. A meeting was held for the employees of the GYLA legal aid center on May 8-9 in Bakuriani. Invited experts (employees of administrative agencies) trained lawyers from Tbilisi and the regions of Kakheti, Shida Kartli, Kvemo Kartli, Imereti, Guria and Dusheti. Participants discussed current legislation and draft laws that aim to create a new system of social insurance.

During the reporting period, the GYLA Tbilisi office continued directing roundtable discussions. On May 6, GYLA held a roundtable entitled, *International Legal Standards and Domestic Legislation in the Sphere of Family Violence*. Attendees included representatives of law enforcement agencies, NGOs working in the field, experts working on the Draft Law on Domestic Violence, lawyers and psychologists. Moderators suggested the following topics for discussion: international legal standards in the field of family violence, legislative reform implemented in the US and Europe, comparative analysis of the current legislation, including Georgian criminal and civil law, and recommendations and opinions in regards to reform of the current Georgian legislation.

Among other materials that participants received was the textbook, *Family Violence and Human Trafficking – How Should We Protect Our Rights?*

Another roundtable discussion was held in Tbilisi on June 14. The meeting was devoted to discussion on the status of the Autonomous Republic of Adjara. After recent political changes in the autonomous republic, territorial state structure became an urgent challenge that required a rapid solution at both the central and regional levels. Because of this, the roundtable attracted the attention of several agencies and organizations – NGO representatives, an organizational commission of 22 persons working on relevant draft laws, GYLA board members, MPs and other state officials. Participants discussed the suggested drafts (the Constitutional Draft Law on the Status of the Autonomous Republic of Adjara, and the Draft Law on the Introduction of Amendments to the Georgian Constitution). The meeting concluded with agreement that the draft laws should be modified and that a set of additional legislative amendments should be introduced to a number of laws.

GYLA continued its town hall meetings in the regions to reach the rural population. This quarter GYLA organized town hall meetings in several regions on various topics, targeted towards specific audiences including NGOs, pupils, teachers and local government representatives. The meeting topics were selected in accordance with contract requirements and a developed strategy. A series of town hall meetings were conducted on ECHR in Kutaisi to introduce such concepts as the procedures and stages of litigation at the European Court, rights to file individual complaints and the right to a fair trial. Social-economic rights became the subject of disputes at a meeting held at the village of Bashi on May 7 to discuss land legislation and social benefits. Domestic legislation and the rights of women and children were discussed at meetings in Kutaisi, and the regions of Sachkhere and Kharagauli. GYLA also organized several town hall meetings aimed at contributing to implementation of administrative legislation. For example, on April 22<sup>nd</sup> a meeting was conducted in Kutaisi on the types of administrative proceedings, the conditions for filing administrative complaints and the concept of public information. On May 4 in Tskaltubo, participants reviewed the procedures for requesting and releasing public information. On April 27 in Kutaisi, GYLA held a meeting on available remedies of cases involving human rights violation.

GYLA continued its efforts to keep the regional population informed about recent amendments to Georgian legislation. On April 16, a town hall meeting was held in the Terjola region to review constitutional and taxation amendments. On April 30, constitutional amendments were also discussed with journalists in Kutaisi and with representatives of local agencies and village residents in the Tkibuli region.

In addition to its usual diverse activities, GYLA continued to implement a new element of its public awareness campaign, a bus tour. The second bus tour was arranged for May 24-29, covering territories from the northern to southern borders of Georgia, from Daba Kazbegi to Kvemo Kartli. The bus tour traveled to the most remote mountain regions and covered 15 villages in total. The tours reached approximately 400 citizens. During the tour, GYLA representatives showed participants several documentaries (produced by Internews Georgia under an IRIS grant) on topics such as freedom of religion and

prevention of torture. The regional population was provided with various materials: booklets and leaflets on available remedies in cases where human rights were violated, labor rights, property rights and the right to inheritance, leaflets containing brief information on GYLA's activities, pocket calendars on Miranda rights and wall calendars on human rights. A booklet, *Benefits for Mountainous Regions*, was produced specifically for the regional population.

This quarter GYLA continued intensive publishing activities. In a new leaflet entitled, *How Should We Apply to a Court?*, the authors cover such concepts as the right to apply to a court and relevant procedures, which court to apply to in a concrete case, samples of applications and amounts of state duties. In the booklet, *Benefits for Mountainous Regions*, the authors define what constitutes a mountainous region, and they review current and related legislation. Household benefits, the education sector, the labor and social security sector, taxes and land taxes are also reviewed. Unfortunately, people in mountainous regions are the least informed about their legal rights, and as such, this booklet should strongly contribute to raising public awareness among this population.

A new edition of the journal *Almanakhi* was published. This edition covers various issues related to criminal law, such as theories of causal links, voluntary discontinuation of a crime, the concept of terrorism and its various forms, the purpose of punishment in criminal law, trafficking and the international criminal court – the new perspective in the battle against international crimes. The newsletter is very informative and provides interesting reviews of the aforementioned issues.

GYLA published additional issues of the leaflet, *Right to Property and Inheritance*. The leaflet was first published and disseminated in the previous quarter and proved to be so popular that GYLA decided to produce more. The leaflet covered related Georgian legislation, such as the right to property and terms of acquisition of property, rules of receiving an inheritance and legatees and testators. This publication was also prepared in Russian in order to introduce these rights to minority groups. Also because of high demand, GYLA published additional copies of the booklet, *Available Remedies in Cases Where Human Rights Have Been Violated*. In this booklet there is detailed information about such institutions as the Georgian court system, the Public Defender's Office and the European Court of Human Rights.

GYLA disseminated the leaflet, *Labor Rights*, which was prepared in the previous quarter. This publication covers labor contracts, procedures of recruitment, employees' rights before administration, etc. GYLA also distributed wall calendars on human rights and pocket calendars on Miranda rights.

Throughout the quarter, GYLA continued working on newspaper inserts. The following articles were published:

1. *How Should We Request Public Information?* Newspaper "24 Saati", #84, April 9, 2004
2. *IDP Rights and Guarantees for Their Social Protection*, Newspaper "24 Saati", #88, April 16, 2004



3. *Following Implementation of Baku-Tbilisi-Ceyhan Pipeline Project*, Newspaper “24 Saati”, #95, April 23, 2004
4. *Rights of Recruits*, Newspaper “24 Saati”, #101, April 30, 2004
5. *Adjara Constitution, Gloomy Past In Georgian Constitutionalism*, Newspaper “24 Saati”, #107, May 7, 2004
6. *How Should We Protect Our Labor Rights?* Newspaper “24 Saati”, #113, May 14, 2004
7. *How Should You Act in Case You Are Released From the Place of Employment?* Newspaper “24 Saati”, #119, May 21, 2004
8. *The Way of Appointing Pensions*, Newspaper “24 Saati”, #137, June 11, 2004
9. *Procedural Agreement, Its Content, and Grounds for its Application*, Newspaper “P.S.”, #17, April 26 – May 2
10. *Deprivation of Illegal Property*, Newspaper “P.S.”, #8, June 1 – 15
11. *Sentencing During Cumulative Crime*, Newspaper “Akhali Gazeti”, #13, May 18-25
12. *Withdrawal of Illegal Property Became Legal*, Newspaper “Erisioni”, #8, June 1-15
13. *Pre-term Releasing from a Sentence*, Newspaper “Erisioni”, #9, June 16-30

GYLA also continued publishing sets of questions and answers in local periodicals:

1. Newspaper “P.S.”, #17, April 26 - May 2, 2004, questions and answers, 5 consultation
2. Newspaper “Erisioni”, #7, May 1-15, 2004, questions and answers, 5 consultations
3. Newspaper “Erisioni”, #8, June 1-15, 2004, questions and answers, 3 consultations
4. Newspaper “Erisioni”, #9, June 16-30, 2004, questions and answers, 4 consultations

### Publications Statistical Summary

GYLA Publications	Copies Printed	Copies Distributed
Booklet: <i>Available Remedies in Cases Where Human Rights Have Been Violated</i>	500	400
Leaflet: <i>Labor Rights</i>	0	200 (left from the previous quarter)
Leaflet: <i>Right to Property and Inheritance (in Georgian and Russian)</i>	500	450
Wall Calendar, <i>Human Rights</i>	0	900 (left from the previous quarter)
Pocket Calendar, <i>Miranda Rights for Detainees and Juveniles</i>	0	100 (left from the previous quarter)
Leaflet: <i>How Should We Apply to a Court?</i>	500	300
Leaflet: <i>Benefits for</i>	200	170

<i>Mountainous Regions</i>		
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<b>GYLA</b>	<b>Number of Meetings</b>	<b>Number of Participants</b>
Town-hall meetings	40	738
Roundtable discussions	2	48
Workshops	5	132

### **Liberty Institute**

During the reporting period, Liberty Institute (LI) carried out various activities to raise public confidence among the Georgian public. It organized press club sessions, workshops, roundtable discussions, an educational course on freedom of religion and debates. Topics selected for the events were mostly focused on the related issues of corruption and human rights. Additionally, LI tried to respond to the needs of the regional populations by devoting several events to concrete cases.

LI conducted press club sessions responding to the most acute problems of Georgian society. On June 22, LI held the, press club session *RICO Act and the Georgian Draft Law on Racketeering and Organized Crime*. The Deputy Minister of Justice presented the draft law to journalists and NGO representatives. LI's legal experts presented a comparative analysis of the issue, putting emphasis on the RICO Act. The Deputy of the Chairman of the Defense Committee and Security along with MPs discussed the advantages and disadvantages of adopting this legal act.

LI arranged a series of workshops for journalists. On April 29-May 2, a workshop was held in Kutaisi on current legal and human rights legislation and related issues. Attending the meeting were ten journalists from seven different newspapers. They showed strong interest in the topics and actively participated in discussions. Another workshop was organized for the same target group in Gurjaani on May 6-10. Among participants were ten journalists from four newspapers. Moderators suggested the same topic for dispute. At the workshop, journalists were instructed on how to prepare articles, the essence of human rights and their coverage, how to cover litigation, acquisition of information from public agencies and how to cover diversity. The meeting appeared to be productive, especially in terms of improving journalism skills and raising public awareness.

LI continued implementation of the new component of their activities, the freedom of religion course. LI began the second stage of this project, trainings for teachers of religion. On May 20-23 and June 3-6, LI hosted religion teachers of Sunday and secondary schools from Tbilisi and several regions (Akhaltsikhe, Kutaisi, Rustavi). Representatives of different faiths attended the meeting, including Orthodox, Catholic, Baptist/Evangelist and Pentecostal churches. The training also attracted the attention of Orthodox NGO members, including The Orthodox Parents Union, David Agmashenebeli Society, and Dasabami.

LI, together with an invited trainer, Konstantin Kublashvili, tailored the following topics for training: human rights, freedom of religion, freedom of religion in Georgia and the Georgian Constitution, international and Georgian case law on freedom of religion and the constitutional agreement between the State and the Georgian Orthodox Church.

Participants strongly disputed the discussed topics. Despite tense discussions, participants reached consensus on various issues. Moreover, it was agreed at the meeting that the training would effectively contribute to raising public awareness of the general public in this area. At the meeting, LI disseminated the relevant literature, *Basic Rights*, by Konstantin Kublashvili and *Freedom of Religion* by Arcot Krishnaswami. At a later stage, LI intends to create a network for the trained teachers so they can transfer what they learned to the younger generation.

LI organized 12 roundtable discussions. While tailoring topics for each event, LI put mostly emphasized corruption-related issues and highlighted corruption in such areas as the educational system, local government and law enforcement agencies. LI also devoted several roundtables to human rights, how they're violated and means of protection.

On April 14, a roundtable was held in Akhaltsikhe on corruption in the regional education system. Representatives of regional educational administrations and school teachers attended the meeting. Participants discussed corruption in Akhaltsikhe, such as teachers' delayed salaries and the state's salary debts, poor distribution of budget funds among schools and unqualified staff. On June 10 another roundtable was held on corruption in the educational system in Kutaisi. Participants talked about the monitoring results of the student community, radio "Dzveli Kalaki" and the Independent Journalists Union that revealed corruption in the system. LI's representatives also stated that the questionnaire survey indicated a high level of corruption in educational institutions. Invited lecturers and students discussed the reasons for corruption and means of combating it. Participants found the meeting very productive and agreed that it would assist them in finding better solutions.

Several roundtables were held to discuss the corrupt practices of traffic police. One such workshop took place in Akhaltsikhe on May 30. Participants discussed specific instances of corruption in the region. By the end of the meeting, together with the chief of regional traffic police, it was agreed that a special system would be established, a "mechanism of fast reaction." Under this system, if illegal activity is observed by a traffic policeman, a citizen will notify LI's regional office. The regional office will contact responsible officials of the regional traffic police to take adequate measures. Another roundtable discussion took place in Gori on April 14 to again discuss examples of corruption by the regional traffic police. At the meeting, specific examples of corruption were cited. Representatives of the regional traffic police were introduced, and they promised to work on solutions.

At the roundtable held in Kutaisi on April 29, participants discussed corruption in the Kutaisi city government. Moderators spoke about the organized resistance committee and how its activities finally forced Kutaisi's corrupt mayor to resign. A representative with the Prosecutor's office, which has been investigating the case, updated participants on the

investigation. Freedom of expression was the subject of discussion at the roundtable held in Gori on June 6. Journalists working in Gori and Khashuri attended the event. Participants discussed the Draft Law on Freedom of Press and Speech. The court practice existing in the field was also reviewed.

LI continued implementation of another new component of its activities, the debate program. LI considers debates to be one of the most effective means of promoting civil rights and raising awareness of individual human rights. Last quarter, LI conducted preparatory activities for the debates, and during this reporting period, LI conducted six debates in various regions of Georgia: Akhaltsikhe, Gori, Rustavi, Telavi, Poti and Kutaisi. LI's regional offices played a large role in selecting debate topics, while the central office prepared a general manual and materials for debates. Examples of debated topics are: Can we solve the problem of corruption without increasing salaries? Does Georgia need to be integrated into the EU? Do we need to increase the role of the regions in the central government? 120 students participated in the debates. LI representatives introduced the students to the concept of human rights and discussed the importance of an anti-corruption campaign. Participants were trained in strategic thinking, critical analysis of problems, questioning and listening.

In addition to the above activities, publishing remains an essential element in LI's public awareness campaign. Three new editions of the newsletter "Liberty" were produced, which focused mostly on the related issues of corruption and human rights. The newsletters also addressed relevant topics such as economic development in Georgia and the problem of organized crime. In the article, *25 Principles for Economic Progress in Georgia*, Otar Zoidze and Gia Jandieri presented recommendations for the economic advancement of Georgia. Their suggestions included removal of institutional bases of corruption, participatory budgeting and accountability and legislative reform to ensure rapid economic development. A series of articles were also devoted to the theme of corruption. In the article, *Corruption and Human Rights*, Pridon Sakvarelidze considered corruption as the main cause of human rights violations. The author emphasized the role of civil society in the struggle against corruption. In the article, *Corruption Yesterday, Today, And Tomorrow*, Ia Antadze analyzed the reasons for failure of anti-corruption efforts during Shevardnadze's presidency. Fundamental components of good governance such as competitiveness, accountability, transparency, effectiveness and the rule of law were introduced by the authors of the article, *What Does Good Governance Mean?* On the last page of the LI newsletter is a questionnaire for the public. As mentioned in previous reports, the questionnaire gives Georgian citizens an opportunity to participate in the anti-corruption campaign by revealing their own experiences with corruption.

As mentioned above, LI's newsletters also addressed human rights issues. For example, in the article, *The Results of Fanaticism*, Deacon Teimuraz Uiarago pointed out the dangers of using religion as an ideological instrument. Reminding readers about the most famous historical examples of crimes resulting from religious fanaticism, the author discussed the problems of fundamentalism facing the Orthodox Church. In the article, *Overcoming Fundamentalism*, Orthodox Priest Kakhaber Kurtanidze discussed the threat of religious fundamentalism in the Georgian Church, analyzing basics of fundamentalism

and ways of overcoming it. Organized crime was discussed in the article, *Against Organized Crimes*, in which Irakli Kotetishvili reviewed related legal initiatives that have been presented to the Georgian Parliament.

This quarter LI published a handbook, *Journalists Handbook: Human Rights Reporting*, which includes theoretical and practical guides on human rights reporting. The theoretical part of the handbook covers the issues of human rights, freedom of expression, freedom of assembly, the right to fair trial, journalism ethics and reporting of legal issues and investigative journalism. The handbook also includes practical exercises for journalists and a list of useful websites on human rights-related information. Practical exercises are suggested for journalists to improve their skills in choosing a story idea, news presentation, feature writing, opinion writing, action plan development and social advertising. Because this handbook is an informative and practical publication, it has already attracted the attention of journalists and was disseminated immediately after publication.

### **Statistical Summary**

<b>Liberty Publications</b>	<b>No. Publications</b>	<b>Copies Printed</b>	<b>Copies Distributed</b>
Newsletter	3	15000	15000
Handbook, <i>Journalist's Handbook: Human Rights Reporting</i>	1	200	150

<b>Liberty Institute</b>	<b>Number of Meetings</b>	<b>Attendance</b>
Press Club Sessions	1	21
Regional Roundtables	12	201
Workshops (five-day)	2	20
Debates	6	120
Trainings (Freedom of Religion Course)	2	25

### **Small Grants Program**

During the reporting period, IRIS's public awareness campaign was also supported through small grant awards to organizations that are currently involved in the collective effort of "Human Rights Are Part of Georgian Culture." Using diverse approaches (publications, exhibitions, documentaries and radio programs), these grantees are using examples from the Georgian culture to demonstrate to the Georgian public that the concept of human rights is a traditional Georgian value.

This quarter IRIS small grantee, *The Development and Cooperation Center – Pluralism Center* (henceforth “Center”), began implementing the third stage of its project, *Human Rights as a Natural and Integral Part of Georgian Culture*. Seven 20-minute documentaries were produced to analyze human rights values in Georgian law, history, literature and cinematography. The documentary, *History of Georgian State and Human Rights*, covered human rights values in Georgian historical sources and materials of Georgian scientific historiography. In the film, *Human Rights and Landmarks of Georgian Law*, experts reviewed landmarks of civil, criminal and canon law. Georgian philosophers played a significant role in spreading legal reasoning throughout Georgia during the classical and subsequent periods. The concept of individual rights has been in existence in Georgia since that time. This aspect of Georgian thought was covered in the documentary, *Human Rights in Georgian Rhetoric*. The film, *Human Rights in Georgian Literature*, reviewed human rights values in Georgian literature: hagiography, Shota Rustaveli’s, *Knight in the Panther’s Skin* and the works of David Guramishvili, Ilya Chavchavadze, Akaki Tsereteli and Vaja-pshavela. In the documentary, *Human Rights in Georgian Periodicals*, the Georgian press media was analyzed in such periodicals as “Droeba” and “Iveria.” The film revealed the significant role of the first Georgian NGO, The Society for Dissemination of Literacy among Georgians, in communicating human rights values to Georgian society. The documentary, *Human Rights in the Culture of Georgian Everyday Life*, revealed how human rights values are evidenced in Georgian habits and customs, feasts and rituals. The film, *Human Rights in Georgian Cinema*, dealt with the history of human rights in Georgian cinema. All of the documentaries were very informative and contributed to the project’s goal to demonstrate that human rights are not foreign and/or new values; they are found in almost all aspects of Georgian culture.

In addition to above-mentioned films, the Center produced a 10-minute presentation, *Human Rights and Georgian Culture*. The documentary is a compilation of all the documentaries. On June 16, the Center organized a presentation of its entire project at the National Library of the Parliament of Georgia. The book, *Human Rights and Georgian Culture*, published during the previous quarter, was presented to the audience, as was the short presentation film. Project representatives, authors and directors and IRIS representatives discussed the project implementation, its results and future activities. Attendees included representatives of NGOs, international organizations, scholars, teachers, public officials and journalists.

After the Tbilisi presentation, the Center shifted its attention to the regions and began organizing meetings with regional representatives to introduce books and films and to discuss relevant topics. The first event was arranged in Rustavi on June 30. Representatives of NGOs, mass media, the education sector and the general public were invited. Fifty copies of the book were distributed among the participants. The presentation film and the films, *History of Georgian State and Human Rights* and *Human Rights and Landmarks of Georgian Law*, were shown. The film presentations were followed by a discussion. Participants discussed both human rights in general terms and those aspects that are found in Georgian cultural works.

## Statistical Summary

Pluralism Center Events	Number of Events	Attendance
Presentation	1	70
Demonstration of the documentaries and discussion	1	30

As mentioned in previous reports, *The Ozurgeti Young Teachers Union* (Union) is the only awardee under the small grant program that communicates the values of human rights and children's rights to the target audience of children. During the reporting period, the organization continued implementing its activities in various formats according to their grant agreement.

The Union's Karl Popper debate has been a regular feature, and this quarter a debate tournament was held for the first time. The Union's Sunday school pupils and pupils from five other villages participated in the tournament. Representatives of the mass media and the general public also attended. The tournament was a major event in the Guria region, and it strongly contributed to raising public awareness of children's rights. The debate was on such resolutions as, "The state must protect children from violence" (every child has the right to grow up in a family), and, "The state must take care of the environment" (children should grow up in a domestic surrounding). Debate referees were members of the NGO, Educational Debate Association, and they awarded winning teams with diplomas and valuable presents.

The Union also organized an exhibition of pupils' paintings on children's rights. The exhibition was held as the result of a competition in which relevant topics on children's rights (e.g., every child has the right to grow up in a family) were suggested to pupils from 35 regional schools. The best works were selected and exhibited at the Union's office. Painters received such awards as Best Poster, Best Decorative Graphic and Best Composition.

The Union continued organization of literary evenings. At these events, children's and human rights were discussed in relation to examples from Georgian literature. In May a literary evening was devoted to the famous Georgian writer Otia Ioseliani, who was invited to participate in the evening. For this event, the evening was conducted in a two-day format. On the first day pupils of the theatrical studio presented a performance on children's rights issues, based on Ioseliani's literary works, followed by discussions and an interview with the author. On the second day the Union presented documentaries that were produced under the Union's grant from IRIS. After the presentation, the participants discussed themes covered in the film.

Members of a literary philosophy club also organized a moot court based on Nodar Dumbadze's work, *Hellados*. The moot court gave pupils the opportunity to communicate children's rights effectively a different format.

The Union continued their public awareness campaign by presenting Georgian movies to pupils of regional schools and organizing discussions on the corresponding topics. Some of the films shown were, *It's Dawning Here*, *Magdana's Monkey*, *Other's Children*, and *Tree of Wish*. Discussions were moderated on such themes as every child has the right to life, every child should grow up in an atmosphere of respect and dignity and every child has the right to express his/her own opinion.

In addition to showing Georgian movies, the Union organized special events to present documentaries that were produced under the project. The documentaries shown were *And Where are Human Beings?*, and *My Town Does Not Look Like Others*. The presentations were followed by discussions on related issues. These films proved an effective means of conveying children's rights issues and capturing the public's attention. For example, the hero of the film *And Where are Human Beings?*, an orphan named Murad who lives in horrible conditions, received a present from the regional government – a small flat. On April 20-21, a regional film festival was organized, and the documentary *And My Town Does Not Look Like Others* won the competition and was awarded honors for the best script, best film producer, best work of video, best soundtrack and the main prize – best documentary. On April 29, the first lady, Sandra Roelofs, visited the Union's office and was introduced to their activities. Among other works, the first lady was so interested in the above-mentioned documentary that she took it to the President. The President saw the film and expressed his opinion on problems depicted in the film during one of his press conferences. He also asked the local government to address the problems faced by children in Guria as soon as possible. Both documentaries were also broadcast on the regional TV channels Guria TV and Madi TV, which cover the regions of Guria and Adjara.

The Union began production of a third documentary entitled, *When a Human Being is Born To Be an Orphan*. The film will be ready for broadcast in the next quarter. This quarter the Union also continued their publishing activities with production and printing of the next two issues of the newsletter *Eight+1*. The themes discussed in the newsletters by children respond to the relevant articles of the Children's Convention and the local problems.

### Statistical Summary

<b>Ozurgeti Young Teachers Union Publications</b>	<b>No. Publications</b>	<b>Copies Published</b>	<b>Copies Distributed</b>
Newspaper: <i>Eight + 1</i>	2	1000	1000

<b>Ozurgeti Young Teachers Union Events</b>	<b>Number of Events</b>	<b>Attendance</b>
Karl Popper Debate Tournament	1	100 (+24 participants)
Karl Popper Demonstrative Debate	2	135 (+12 Participants)



Exhibition of Paintings	1	150
Literary Evening	1	100 (+20 participants)
Literary Law Court	1	70 (+14 participants)
Demonstration of Georgian Movies	7	210
Showing documentary “And Our Town Doesn’t Look Like Others”	5	300

*Alfami* is another grantee that contributed to the *Human Rights are Part of Georgian Culture* program. Alfami concluded its activities under its IRIS-funded grant at the end of May. Alfami activities during the last two months of their grant included publications, organization of exhibitions in Tbilisi and the regions and broadcasting of Alfami’s video production by major regional TV channels.

Natela Grigalashvili’s photo exhibition, *Dysfunctional Country* was held on April 16 in the Kopala Gallery. The exhibition became a significant cultural event for the city. Natela Grigalashvili presented images of present-day Georgian villages, isolated from the dynamics of urban life, images of people in despair, living in a cold and abandoned social environment. The artist’s camera became the medium through which viewers observed those people frequently forgotten in debates about human rights in Georgia. Visitors to the exhibition included representatives of government agencies, international organizations, the NGO community and the media. The first lady, Sandra Roelofs, was one of the honorable guests of the event. The exhibition was widely covered by the media, including the TV stations Channel I, Imedi TV, I Stereo and Mze, the newspapers Dilis Gazeti, Mtavari Gazeti and 24 Hours, the journal Kakadu; and Radio Imedi and Radio Freedom.

Alfami implemented the regional component of its project through broadcasting of its video material on TV, distribution of printed artwork and publications and discussions with local populations. These activities preceded exhibitions, which were the final piece of their regional work. During this quarter, Alfami conducted these activities in Telavi, Akhaltsikhe, Ozurgeti and Gori.

The exhibition, *Human Rights Are Part of Georgian Culture* was held in Telavi from April 23-27. The exhibition was devoted to different types of photography – documentary, studio, thematic and installation. Constitutional rights and liberties were the unifying themes of all the works presented. Presentations of these central themes through diverse forms of art illustrated to attendees that no matter how different individuals are, all people share a belief in the values reflected in and guaranteed by the constitution and international human rights law. The local TV channel *Tanamgzavri*, TV *Imedi*, Radio *Imedi* and the journal *Kakhetis Khma* all covered the exhibition.

On April 22 and 23, in preparation for the exhibition, project organizers went out into the streets of Telavi and to neighboring villages to distribute Alfami postcards and invite local citizens to the exhibition. Also, several days before the exhibition, a local TV channel advertised the exhibition and showed Alfami films that had been produced during the last quarter. Sofia Cherkezishvili's film, *Protect Me*, which depicts the difficult lives of elderly women in Georgia, received particular attention from attendees. Attendance of the exhibition was high.

A similar event, *Modern Georgian Art and Liberal Values*, was held in the lobby of the Meskheta Dramatic Theatre in Akhaltsikhe. The strategy used for promoting the event was similar to that used in Telavi. Advertisements and previously produced Alfami films were shown on the local TV channel 9 in the days leading up to the exhibition. Postcards were distributed before the exhibition and during the event itself. Discussions conducted at the exhibition, as well as interest in the works presented and the visitors' interpretations of the work indicated a link between the public's knowledge of the country's laws and the country's prosperity and constitutional order.

The regional events to show, *Human Rights through Video*, were held in the cities of Ozurgeti and Gori. Over a week's time, the local TV Channel Guria broadcast a video block of short films (eight minutes total) after the evening news program. The same video block was broadcast by channel Trialeti in Gori over three days, and free of charge for an additional week on offer from the TV channel. TV broadcasting in both regions was complemented by distribution of Alfami postcards. During the last visit in Gori, Alfami staff was pleasantly surprised to find the walls of the TV station's building covered with framed Alfami postcards.

Alfami worked intensively on print production during the reporting period. A second set of postcards with the works of modern and classical artists, stills from video films and photos were printed by the end of April. Postcards provide a unique combination of visual media with written messages on various rights and liberties. The messages included: *everyone has the right to freedom of personal development; everyone is obliged to protect the natural and cultural surroundings; coercion of intellectual creativity is prohibited; and a person's honor and dignity are inviolable.*

The final phase of print production was the printing of an elegant calendar for 2005, which is in notebook form and can be used as a diary. Each monthly page is illustrated with a piece of art and written message, similar to the postcard format. For example, January is Elene Akhvlediani's *Winter Landscape* artwork showing a detached Metekhi church surrounded by snowflakes. The statement accompanying her artwork is, *The church is independent from the state.*

Alfami also produced a series of short artistic films on human rights (2-4 minutes each), which were broadcast on Rustavi 2 and regional TV in Kutaisi, Ozurgeti, Gori and Akhaltsikhe. The themes of the films address the concerns of artists in Georgia, as well as the concerns of the general. Examples of concerns expressed in the film include the feeling of being unprotected, the ability to earn a living for survival and religious

equality. Unfortunately it appeared that one of the artists used scenes of adult movies in his film as an example of perceived freedom as opposed to freedom of thought and spirit. After its discovery, future broadcasting of the film was banned. Alfami was asked to destroy the film and to reimburse funds used for the production of this film to USAID.

As reported in the previous quarter, presentation of the film, *Several Lonely Snapshots about Several Lonely Creatures and Things*, was planned for April 24 at the movie house in Tbilisi. Shortly before the presentation, at the request of USAID, it was decided that the movie should not be presented with any association to either IRIS or USAID. Despite technical difficulties of doing this, Alfami's staff managed in a very limited amount of time to remove the related logos and to present the film as an independent work. The film proved very successful as numerous positive articles were published after its presentation. The film is also expected to be broadcast on the well-known program *Psico* at Rustavi 2, the only analytical art program in Georgia.

Work on the Alfami website was also completed during the reporting period, ensuring that all project activities and all materials produced by Alfami will be accessible to the public even after completion of the project.

Alfami's activities have been a fundamentally new way of communicating human rights ideals to society through artistic images and familiar language instead of legal texts and annotations. The wide response from society, art critics and the government and private sector illustrates that this approach was successful in achieving the desired goal of showing that human rights are part of Georgian culture.

### Statistical Summary

Alfami Publications	Copies Published	Copies Distributed
2 page postcards (16 types)	16000	14000
Postcards (8 types)	8000	7000
Calendar on human rights, <i>Calendar 2005</i>	1000	600
Posters for the exhibition "Dysfunctional Country"	100	100
Posters for the Telavi photo exhibition	500	500
Posters for Akhaltsikhe exhibition	700	700

Alfami Events	Number	Attendance
Exhibition: Dysfunctional Country	1	1500-2000 (approx.)
Telavi Photo Exhibition	1	1000-1500 (approx.)
Akhaltsikhe exhibition	1	1000-1500 (approx.)

***Association and Radio Green Wave*** (Green Wave) is one of two grantees under IRIS's small grant program that is communicating human rights values through radio programs and radio clips. This quarter Green Wave continued their project, *Georgian Cultural Traditions and Modern Liberal Values*. Through radio programs and short radio clips produced by Green Wave, the Georgian public was exposed to programs on how human rights are depicted in Georgian culture.

Fourteen programs were produced and broadcast by Green Wave and its five regional partner radio stations, with each program lasting 45 minutes. Topics tailored for the programs conformed to the project goals: Ilya Chavchavadze's contribution to development of liberal values in Georgian society in the 19<sup>th</sup> century; medieval history and old Tbilisi; Vaja-pshavela's work toward establishment of liberal values in the 19<sup>th</sup> century; Iakob Gogebashvili's pedagogical, social and publicist activities; the Terdaleulebi movement in the 1860s – a founding period of Georgian liberalism; Georgian folklore and traditions; the history of Georgian law in the context of David Batonishvili's work; the history of Georgia from the 12<sup>th</sup> to 19<sup>th</sup> centuries, Rustaveli and Eastern Renaissance; and Borchalo Tatars and Ossetians and their civil activity in Georgia.

The radio program cycle included live phone conversations among listeners. The audience had an opportunity to call the studio and express opinions on the various topics. Listeners used this opportunity and participated very actively. Some topics however seemed to be especially contentious, such as issues related to religious and ethnic equality. National and ethnic minorities living in Georgia also participated in the program. Educational problems also attracted people's attention and were highly disputed. Other human rights-related topics were also discussed.

In accordance with grant requirements, Green Wave also continued developing social advertisement radio clips. Fifteen additional audio clips were produced during the quarter and broadcast via Radio Green Wave and its regional partner stations. The total amount of clips broadcast was 4,550.

***The International Center for Civil Culture*** (ICCC) is another grantee that is producing radio programs and radio clips. This quarter ICCC's grant, like Alfami's, also expired. Before ICCC concluded their activities, they produced another series of radio programs on the motives of *Samoseli Pirveli* by Guram Dochanashvili. In the programs, guests and listeners discussed how human rights values are depicted in the work of this famous Georgian writer. After abstracts from the novels were presented to listeners, the program opened up discussions on relevant topics.

Levan Berdzenishvili, an ICCC presenter, and other invited guests communicated to the public various aspects of human rights, such as labor rights, freedom of opinion and freedom of speech. The goal of the project was to remind Georgians, through radio, that human rights are traditional Georgian values that are found in diverse areas of Georgian culture. Aspects of human rights that are deemed essential for society were also emphasized. The programs attracted listeners who called during the program to discuss various topics. David Usupashvili, IRIS's Senior Legal and Policy Advisor, was invited

as a guest on one of the programs. Implementation of the program, *Human Rights Are Part of Georgian Culture*, and achievement of project goals were discussed. All participants agreed that ICCC was successful in conveying to the radio audience human rights values and their importance in establishing rule of law in Georgia.

Six programs were produced and broadcast in accordance with the agreed schedule. Programs were broadcast via Radio 2 and repeated by Radio 1. In accordance with their grant agreement, ICCC also produced 19 radio clips on human rights-related topics. These clips were also broadcast via Radio 2 and Radio 1.

### **Internews Georgia**

Internews Georgia (Internews) is one of IRIS's main partners in raising rule of law public awareness among Georgians through the media. This year Internews was awarded a subcontract instead of a grant as in previous years. The subcontract covers the period from April 1 to November 30, 2004. Project activities aim to increase public awareness about new legal rights and institutions and to support anti-corruption activities. As a complement to its contract with Internews, in May IRIS awarded Internews a broadcasting grant in the amount of \$100,000. Funds from this 30-day grant were used to secure television time throughout the country through November 2004 to air documentaries and public service announcements (PSAs). In the first broadcast stage, although four documentaries were produced, IRIS aired only three (two produced under previous grants and one under the current contract) as well as five PSAs produced under the previous grant.

This quarter Internews performed two types of activities, production of documentaries and production of public service announcements (PSAs). In April, prior to the production launch, Internews secured agreements with Imedi TV, one of the leading broadcasters in Georgia with a potential audience of three million viewers. The agreements with Imedi TV apply to the documentaries produced under the IRIS/Internews grant agreement in 2003 and the films to be produced under the new contract. Under the agreement, Internews purchased airtime at Imedi TV, developed a broadcast schedule together with IRIS and arranged for broadcasts of earlier-produced documentaries on religion, torture and the environment.

The PSAs which aired (lasting 38-73 seconds) were produced in 2003 to support the rule of law program and included the topics of public proceedings (*Three Windows*), the right to legal counsel (*Boxing*), explanations (*Yes/No*), search (*The Patch*) and gender equality (*Leveling Vessels*). The PSAs were broadcast over the three Tbilisi-based television stations (Rustavi 2, Mze and Imedi TV) with national coverage and 28 regional broadcasters. Internews developed the broadcast schedule on the basis of the programs rating data provided by the Institute for Poling and Marketing (IPM) of Tbilisi, and ratings estimates provided by regional stations. Imedi TV, which covers approximately 70% of the national audience, aired the PSAs every evening between 17:00 and 22:00; with such a schedule the average viewer would see each PSA 0.87 times. Rustavi 2, which covers approximately 60% of the national audience, aired the PSAs every evening between 14:00 and 23:45, with the average viewer seeing each PSA 2.01 times, given the

greater popularity of the station. PSAs were shown on 24 regional TV stations. They were shown a total of 1,269 times each, with a potential audience of between 50,000 and 3000,000 viewers. According to the schedule, PSAs were broadcast over three weeks in May and the entire month of June. PSAs will be rebroadcast during four weeks in September and two weeks each in October and November.

Internews worked closely with IRIS on selecting a consultant and an expert, who will assist Internews in documentary production. The candidates for these positions have been selected and will begin their work soon. IRIS and Internews are confident that these consultants will have a very positive impact on the production process.

### *Documentary Production*

This quarter Internews produced two new documentaries after consultations with IRIS and regional NGOs. The first documentary is entitled, *Youth is...(Axalgazrdoba Aris)*. The target audience is young people. The film includes three separate stories about young and successful people, thus promoting the idea of creating a successful future for oneself through hard work. Youth are considered to be one of the major forces contributing to the development of the state. The message of the film is that society cannot wait for the government to change the situation in this country. The documentary also describes a creative example of youthful collaboration - cleaning, decorating, and remodeling the central underground subway complex at Heroes Square. The film was first aired by Imedi TV on June 6 at 11:00 pm. Imedi TV liked the documentary so much that they rebroadcast it free of charge on June 8. The film also aired on 27 regional TV stations.

Another documentary, *Bell (Zari)*, tells a story of corruption at secondary schools in Georgia. The film documents the lives of several young Georgian pupils, whose parents refuse to pay endless unofficial fees demanded by the school administration. As a result of their refusal, they are forced to take their children to other schools. The president of the teachers' free trade union, Solidarity, discussed problems existing at schools in western Georgia. This person actually faced these problems as a parent and investigates them as an NGO leader. The documentary also states that poor financing of schools and low teacher and school administrator salaries are some of the major reasons for corruption. In the documentary, the Minister of Education, Kakha Lomaia, states the need for legal mechanisms to strengthen parents' and supervisory boards' rights. Such changes would help solve corruption in educational institutions. School corruption is often the cause of lawsuits. Because of this, the documentary highlights the case of the NGO Democratic Meskhs, which defends the rights of Akhaltsikhe students and their parents at court. According to the broadcasting schedule, the documentary was to be shown during the reporting period. However, showing of the film was postponed at the request of IRIS, since some changes were necessary. An expert will review the documentary to address the concerns expressed by USAID.

### *Production of Public Service Announcements*

Internews identified PSA topics and developed each production's creative briefs. Creative briefs were developed in consultation with IRIS and later distributed to the

general public, including local scriptwriters, media organizations, TV stations, state and private universities, Internet and literary cafes and bookstores. A competition for the best PSAs ideas, based on the creative briefs, was announced in the second half of May and concluded on June 20. Those selected were sent to Jerry Hunnicutt, IRIS's PSA production consultant, for review and comments. In the next quarter and prior to production, Internews will work with scriptwriters, film directors and producers to develop story ideas, scripts and storyboards.

### *Outdoor Poster Campaign*

The second stage of IRIS's outdoor poster campaign was launched in April 2004. Seven billboards on the right to legal counsel, the right to remain silent, illegal search, religious equality, torture, police bribery and equality among citizens were displayed in 56 locations in Tbilisi, Kutaisi and Poti. In order to emphasize anti-corruption, the police bribery-related billboard was given distribution priority. The second stage of the campaign was scheduled to last one month, but some billboards are still on display.

IRIS also initiated the outdoor poster campaign in a different format. According to the work plan, smaller versions of the original posters should have been placed in Tbilisi subway cars. However, because of the lack of space in the subway, IRIS had to find a new outlet for the poster campaign. After consultations with USAID, it was decided to place posters in the regional railway, because this mode of transportation is used frequently during the vacation period. Several advertisement companies were approached to assist with this. Imedi Kontakti appeared to be the most suitable one for the project purposes. After negotiations and signing a contract, new posters were printed. During the next quarter, posters will be placed in railcars traveling to the regions for four months.

## **List of Deliverables**

### *Deliverables in Electronic Format*

1. Agenda and list of participants from GYLA's workshop on *The European Convention of Human Rights*, April 17-18, 2004, Tbilisi
2. Agenda and list of participants from GYLA's seminar on *International Legal Standards and Domestic Legislation in the Sphere of Domestic Violence*, May 6, 2004, Tbilisi
3. Agenda and list of participants from GYLA's seminar for the employees of GYLA legal aid center on *Main Directions of Social Sphere*, May 8-9, Bakuriani
4. Agenda and list of participants from GYLA's seminar on *The European Convention of Human Rights*, May 15-17, Tbilisi
5. Agenda, list of speakers and list of participants from the Liberty Institute's press club session on *RICO Act and Georgian Draft Law on Racket and Organized Crime*, June 22, 2004, Tbilisi (event from is also available)

6. Agenda, list of trainers and list of participants from the Liberty Institute's workshop on *Present Coverage of legal and Human Rights Related Issues*, April 29 – May 2, 2004, Kutaisi (event form is also available)
7. Agenda, list of trainers and list of participants from Liberty Institute's workshop on *Present Coverage of Legal and Human Rights Related Issues*, May 6-10, 2004; Gurjaani (event form is also available)
8. Agenda and list of participants from Liberty Institute's training for teachers of religion (Freedom of Religion Course), May 20-23, 2004, Tbilisi (event form is also available)
9. Agenda and list of participants from Liberty Institute's training for teachers of religion (Freedom of Religion Course), June 3-6, 2004, Tbilisi
10. Agenda and list of participants from Liberty Institute's roundtable discussion on *Corruption in the Educational System*, April 14, 2004, Akhaltsikhe (event form is also available)
11. Agenda and list of participants from Liberty Institute's roundtable discussion on *Corruption at the Traffic Police*, May 30, 2004, Akhaltsikhe (event form is also available)
12. Agenda, list of speakers and list of participants from Liberty Institute's roundtable discussion on *Corruption at Traffic Police*, April 14, Gori (event form is also available)
13. Agenda, list of speakers and list of participants from Liberty Institute's roundtable discussion on *Freedom of Press and Speech*, April 15, Gori (event form is also available)
14. Agenda, list of speakers and list of participants from Liberty Institute's roundtable discussion on *Corruption at High Educational Institutions*, June 6, 2004, Kutaisi
15. Agenda, list of speakers and list of participants from Liberty Institute's roundtable discussions on *Unlawful Action of Representatives of Kutaisi Mayor*, April 29, 2004, Kutaisi (event form is also available)
16. Agenda, list of speakers and list of participants from Liberty Institute's roundtable discussion on *Corruption at the Law Enforcement Structures of Poti Region*, April 7, 2004, Poti (event form is also available)
17. Agenda, list of speakers and list of participants from Liberty Institute's roundtable discussion on *Juvenile Delinquency*, April 25, 2004, Rustavi
18. Agenda, list of speakers and list of participants from Liberty Institute's roundtable discussion on *Corruption and Human Rights Violations in Rustavi Region*, June 29, 2004, Rustavi
19. Agenda, list of speakers and list of participants from Liberty Institute's roundtable discussion on *Corruption at the Local Government*, April 15, 2004, Telavi (event form is also available)
20. Agenda, list of speakers and list of participants from Liberty Institute's roundtable discussions on *Freedom of Press and Speech*, June 28, 2004, Telavi (event form is also available)
21. Event forms from the Liberty Institute's debates (6 forms)



*Deliverables in Hard Copy*

1. Booklet: *Available Remedies in Cases Where Human Rights Have Been Violated* (GYLA)
2. Leaflet: *Labor Rights*, (GYLA)
3. Leaflet: *Right to Property and Inheritance* (In Georgian) (GYLA)
4. Leaflet: *Right to Property and Inheritance* (In Russian) (GYLA)
5. Wall Calendar: *on Human Rights* (GYLA)
6. Pocket Calendar: *on Miranda Rights* (GYLA)
7. Leaflet: *How Should We Apply to a Court?* (GYLA)
8. Leaflet: *Benefits for Mountainous Regions* (GYLA)
9. Leaflet: *About us (Information on GYLA's Activities)* (GYLA)
10. Journal: *Almanakhi (Criminal Law)* (GYLA)
11. Newspapers (15 issues) (GYLA)
12. Event Forms: 5 forms from seminars/workshops, 15 forms from the bus tour, 40 forms from town hall meetings
13. Newsletter: *Liberty*, #4(28), (Liberty Institute)
14. Newsletter: *Liberty*, #5(29), (Liberty Institute)
15. Newsletter: *Liberty*, #6(30), (Liberty Institute)
16. Handbook: *Journalist's Handbook: Human Rights Reporting*, (Liberty Institute);
17. Video: 7 topical documentaries and 1 presentation film on *Human rights and Georgian Culture* (The Development and Cooperation Center – Pluralism Center)
18. Newspaper: *Eight + 1*, #20, April, 2004
19. Newspaper: *Eight + 1*, #21, May, 2004
20. Postcards (24 types) (Alfami)
21. Calendar: *Calendar 2005* (Alfami)
22. Event forms from Alfami's exhibitions (3 forms)
23. CD's containing audio records of programs and social advertisement radio clips (Association & Green Wave)
24. CD's containing audio records of programs and social advertisement radio clips (ICCC)
25. Video: documentaries – *Youth is* and *Bell* (Internews Georgia)
26. Posters: on *Human Rights* (7 types) (IRIS)

## **TASK 2: Support for Legal Services and Human Rights Organizations**

### **Legal Aid Database Software**

Following preparatory activities completed in the previous quarter, on April 14, IRIS announced a bidding competition for database management software developers. After reviewing proposals from a number of companies and individual professionals, a proposal from Mrs. Ia Iaralashvili, an experienced computer specialist, was selected as the most suitable bid based on the technical component and cost. According to the project timeline, beta testing of the software will be completed in late September, with its installation at legal aid offices by the end of October. During this reporting period, IRIS staff attorneys were intensely involved in planning the system and its interface development. IRIS coordinated participation of its grantees in this process to ensure that the system is well suited to the specific needs of Georgian legal aid organizations.

### **Legal Aid System**

On May 20, GYLA, together with the Ministry of Justice, organized the first conference on the Georgian legal aid system and requirements for its overall reform. This was the first event organized on the legal aid system after a long period of inactivity resulting from the political situation in Georgia during the last year. The conference generated the attention of the legal community, as well as relevant government agencies. GYLA announced its intention to create a working group tasked with development of a concept paper on the Georgia's future legal aid system and a package of necessary legislative changes. At the request of GYLA, an IRIS staff attorney participated in the working group, which was comprised of representatives from the public defender's office, the office of the prosecutor, and the ministry of justice, as well as practicing attorneys and GYLA staff. Initial coordination meetings were held to establish an outline of future activities for the group. The expectation is that the concept paper and the draft legislation should be ready by September 2004, though the processes necessary for global changes in the Georgian legal system, including amendments to the constitution and adoption of the new code of criminal procedures, may cause delay. These provide the basis for the provision of free legal services by the state, and without clear guidelines for their future formulation it could be extremely difficult, if not impossible, to finalize work on the legal aid concept paper and the draft accompanying draft legislation.

The legal aid system of Georgia was one of the main topics of discussion at the donors meeting on June 10, which was held in the office of ABA CEELI. IRIS was one of the presenters, because it is the only donor organization currently funding Georgian legal aid centers to provide free legal services to the indigent population. At the meeting, an IRIS staff attorney provided an overview of the legal aid system, the role of the NGO community in this field and prospects for the future. Information was disseminated on the IRIS-funded project to develop data management software for the Georgian legal aid system. Information was also provided on current activities in the Georgian legal aid system by representatives of GYLA, Article 42 and the Center for the Protection of Constitutional Rights (CPCR).

## **GYLA**

GYLA's legal aid centers continued to provide free legal services to needy populations through consultations (by telephone, in-person, mail, mobile legal aid clinic visits and TV programs) and court representation. The number of consultations was very high during the quarter. The GYLA/Tbilisi legal aid center rendered a total of 1,199 consultations: 956 (private) face to face consultations, 194 mobile legal aid visits, 40 radio consultations and nine newspaper consultations. As in the previous quarter, the types of cases and consultations that GYLA's legal aid centers dealt with indicated that while violations of fundamental human rights during criminal proceedings remain highly problematic, disregard for and violations of social and economic rights are of great concern to the population. While criminal cases formed the biggest component of litigation activities, the majority of the legal services provided through consultations were related to social and economic rights. A good example of this trend is shown by the data collected during the visits of mobile legal aid clinics, which revealed the areas of major importance to the rural population of Georgia. The major issues addressed in the consultations rendered during the visits of the mobile legal aid clinics were related to labor rights, rights to social security (pensions, social rights of single mothers and mothers with many children), inheritance and property rights.

There were a number of successful administrative cases during the quarter. In the case of *Eib Karimov v The United State Fund of Social Security*, GYLA's attorneys managed to defend the rights of a war veteran by appealing the decision of the State Fund of Social Security to deny special monetary assistance for war veterans under Georgian legislation. The case was won on appeal and the judgment was entered into legal force.

Mr. Khajiev and Mr. Akhvlediani applied to GYLA's Kutaisi branch office and requested assistance in writing a lawsuit to request that the court void permits for construction of petrol stations near their residences. Case materials clearly showed that construction permits for these petrol stations were issued in violation of administrative law. Moreover, the petrol stations would create a danger to nearby settlements and would be sanitary and fire hazards. With the assistance of a GYLA lawyer, Mr. Khajiev and Mr. Akhvlediani applied to the Kutaisi court. By the court judgment on May 13, the administrative complaint was completely satisfied and the petrol station construction permits were declared void.

There was successful involvement of GYLA attorneys at the pre-trial stage of investigation, leading to the immediate release of unlawfully detained persons and closure of criminal proceedings against them. On March 1, Lasha Nemsadze was detained for stealing five boxes of cigarettes from a small shop. A GYLA lawyer submitted evidence to the investigators proving Mr. Nemsadze's innocence, and therefore clearing him of the accusations against him. It is unfortunate that the prosecution was extremely careless in its investigation of the facts and consequently detained an innocent person. As a result of GYLA's involvement, Mr. Nemsadze was released from detention on March 3, and the case against him was terminated on April 2.

On January 30, Roin Gvenetadze was detained for allegedly attacking Nana Kavtaradze. Later he was sentenced to three months of pre-trial detention. Together with Roin Gvenetadze, two other persons were accused of attacking Nana Kavtaradze. Supposedly the crime was committed on January 26. However, Roin Gvenetadze did not know the two other detainees and had spent the day of the crime with his family members. At the request of a GYLA attorney, witnesses and experts were questioned. Through this it was discovered that fingerprints taken at the crime scene did not belong to Roin Gvenetadze. On April 8, the criminal proceeding against Roin Gvenetadze and the other two persons were terminated. All three people were released from detention immediately.

On May 17, the parents of four juveniles, N. Badagidze, B. Kistauri, T. Narimanidze and A. Narimanidze, applied to the GYLA/Dusheti office for legal assistance. On June 16, employees of the Dusheti region Ministry of Internal Affairs detained B. Kistauri, T. Narimanidze and A. Narimanidze for drug addiction. Their parents insisted that they were not drug addicts. The detained juveniles were brought to the police and interrogated with physical and psychological pressure, without the presence of their parents or teachers and lawyers as required under the Georgian code of criminal procedures. They were made to “confess” that they had used drugs. GYLA lawyers filed a complaint with the regional prosecutors’ office in regards to the unlawful behavior of the policemen. A criminal case was initiated against T. Chikhrashvili, G. Jangirashvili and others, charging them with exceeding official authority and violation of the dignity of a victim. A preliminary investigation is being conducted. The detained juveniles were released immediately after the involvement of the GYLA lawyer.

David Martiashvili, a member of the veterans union, was convicted by the Georgian veterans union of involvement in the capturing a military base on March 23. He was accused of unlawfully using a weapon, and capturing and blocking a strategic object. An investigation was conducted by the General Prosecutor’s office. The Krtsanisi regional court sentenced Mr. Martiashvili to three months of pre-trial detention, which was appealed in Tbilisi district court. After studying case materials, a GYLA lawyer identified that the prosecutor did not have sufficient grounds for accusing Mr. Martiashvili. The investigation had been superficial; there was no evidence as to who possessed the weapons and which individuals actually committed the crimes. For lack of evidence, the case against Mr. Martiashvili was terminated on April 28. Similar criminal cases were terminated against Nikoloz Lazarishvili and Givi Tsiklauri, other members of the veterans union.

The case of Nino Japaridze is evidence of the difficult situation in which divorced women find themselves in Georgia. Ms. Japaridze is divorced and lives with her child in her ex-husband’s apartment, because she has no other place to live. Her ex-husband applied to the court and demanded eviction of his wife and child from the apartment. Ms. Japaridze applied to GYLA’s legal aid center for assistance. A GYLA attorney had previously assisted her in her divorce case, successfully securing child support. GYLA’s involvement was successful this time as well. The court did not satisfy Mr. Stepanidze’s application for the eviction of his wife and child.

*Newspaper Tribuna v. Aslan and Giorgi Abashidze* was a freedom of expression case. On May 13, 2003, Zviad Pochkhua, the editor of the newspaper *Tribuna* applied to GYLA's Rustavi office for legal assistance, because a civil case was initiated against the newspaper by a representative of the Adjarian government. After studying case materials, GYLA learned that the case was in response to a critical article published by the chairman of the Supreme Council of the Autonomous Republic of Adjara, Mr. Aslan Abashidze, and his son, the Mayor of Batumi, Giorgi Abashidze. The suit was filed by a representative of the Adjarian government in Tbilisi. The Adjara representative demanded compensation for libel damages in the amount of 200,000 GEL and retraction of the published materials. It was obvious from the case materials that allegations against the newspaper were groundless and that it was a typical case directed against freedom of press, initiated by an irritated official. GYLA filed a counter claim, and the case was lost in the court of first instance. Pursuant to the court judgment, the respondent newspaper, *Tribuna*, had to retract the published materials and pay 5,000 GEL in damages. Both parties appealed the decision. In the appeals court decision in Tbilisi, the Mtatsminda-Krtsanisi court overturned the decision, and the claim of the applicant was not satisfied, having been judged groundless and unreasonable.

In the case, *Population of the village of Chianeti v the company Shekvetili*, at the request of inhabitants of the village Chianeti, GYLA lawyers from the Ozurgeti office studied the legality of Shekvetili's purchase of seaside territory near the village. Case materials showed that Shekvetili illegally managed 115 hectares of land. The village demanded five hectares, which pursuant to the law belonged to the village. With the assistance of a GYLA attorney, the land in question was returned to the village.

During the reporting period, a number of TV programs providing legal consultations to the regions were aired on major regional TV channels. Three programs were aired in Kutaisi on TV channel *Rioni*. One program was on the draft code of criminal procedures, one on pensioners' rights and the last on the State Budget of 2004. The public actively called in with their concerns on the programs' main topics. In Gori, two programs were broadcast on the local TV channel *Trialeti*. One program was entitled, *Social Aid and Pension Security*. The head of the PR department of the Ministry of Health, Labor and Social Protection, Mrs. Irina Glonti, was invited as an expert. Invited experts talked about social aid and rules of appointing pensions. The program had such a great impact that viewers demanded that it be repeated. The second program was entitled, *Financial Police and Their Rights*.

In addition to the TV programs, GYLA began implementation of its radio programs. The program *Your Rights* is broadcast every other Monday on the first channel of Georgian State Radio. So far the program has reviewed legislative innovations, problems, and citizen's rights in the social sector. To date four programs have been broadcast. In May, the topic of discussion was employment legislation and the rights of the unemployed. In June two radio programs were broadcast covering issues of labor contracts, recruitment in public service and termination of labor contracts. Recently these have become popular issues, as many public services have been shut down and staff reduced. Employers

commonly let people go without following the requirements of the law. These radio programs inform employees of their rights so that they can protect themselves. Because the programs are broadcast live, many listeners call in during the programs. Listeners also go to GYLA legal aid centers afterwards to get assistance for problems that they can't solve without the assistance of a qualified attorney.

### Statistical Summary

	<b>Total</b>	<b>Civil</b>	<b>Criminal</b>	<b>Administrative</b>	<b>Const./strategic</b>
Number of citizens represented in courts	125	18	56	47	4
Number of citizens represented before administrative agencies	38				

*Clients represented before the courts and administrative agencies:*

Women	53
Men	83
Minor	4
Employed /with income	29
Unemployed/without income	107
with university education	73
with secondary education	63
Georgian	124
other nationality	17
IDP	3
Legal person	11

	<b>Total</b>	<b>Civil</b>	<b>Const/Strategic</b>	<b>Criminal</b>	<b>Administrative</b>
New cases	36	7	0	21	8
Court decisions	30	7	0	13	10
Won cases	30	7	0	13	10
Lost cases	0	0	0	0	0
Decisions of administrative agencies	32				
Favorable decisions of administrative agencies	23				
Unfavorable decisions of administrative agencies	9				

*Types of cases handled during the quarter:*

*Constitutional/Strategic cases - 4*

Freedom of expression	1
Freedom of movement	1
Property right and equality before law	1
Right of privacy	1

*Administrative cases – 47:*

Social security	3
Registration	4
Illegal construction	8
Labor disputes	6
Freedom of information	5
Licensing	0
Tax disputes	2
Privatization, property right	7
Execution	3
Compensation of damage inflicted by an administrative organ	2
Administrative acts and actions of administrative organs	7

*Criminal cases – 56:*

unlawful detention	4
coercive measures	0
violation of the rights of detained, convicted person	28
rehabilitation and compensation for damage	1
violation of the rights of sentenced	3
violation of the rights of a victim	12
illegal collection of evidence	8

Crime against life	9
Crime against health	13
Economic crime	17
Drug-related offenses	4
Crime against sexual freedom	3
Crime against public security and order	4
Crime against human rights and freedoms	4
Transport crime	2

Crime against the state	0
Crime against the military	0
Crime against judicial authority	0

*Civil cases – 17:*

Sustaining of a child	9
Freedom of speech	1
Injuries	2
Family violence	4
Eviction	1

*Consultations:*

	Telephone	In-person	Mobile legal aid clinics	Mail	Newspapers	Total
Tbilisi office	NA	822	194	0	0	<b>1016</b>
Kutaisi office	427	1010	575	0	18	<b>2030</b>
Gori Office	93	869	480	0	0	<b>1442</b>
Rustavi office	289	330	193	0		<b>812</b>
Ozurgeti office	90	312	256	7	0	<b>665</b>
Telavi office	9	315	174	0	0	<b>498</b>
Dusheti office	92	155	115	0	0	<b>362</b>
<b>Total</b>	<b>1000</b>	<b>3813</b>	<b>1987</b>	<b>7</b>	<b>18</b>	<b>6825</b>

## **Article 42**

Article 42 continued its provision of free legal services through consultations and court representation of criminal cases before the Appeals Court of Tbilisi. During the reporting period, Article 42 received 47 applications, 12 of which were declined for not complying with case selection and 20 are still under consideration. Of the 34 cases handled during the reporting period, Article 42 completed nine, six of which met with success.

In most of the cases, Article 42's involvement led to the identification of numerous criminal procedures violations during the investigation stage of criminal proceedings. Aggressive defense tactics through preparation of numerous motions requesting exclusion of evidence that was obtained through substantial procedural violations proved to be effective in most cases. In some instances, like the case of Emzar Eqvtimishvili who was charged with theft and illegal possession of weapons, although there were no positive results from the Appeals court, Article 42 lawyers managed to successfully litigate the case before the Supreme Court of Georgia. While the Georgian legal system is not based on the principle of *stare decisis*, decisions of the Supreme Court still influence judicial tendencies in the application of law. Therefore, successful litigation before the Supreme



Court of cases involving widespread patterns of procedural rights violations is very important in setting precedence for similar litigation in the future before the Tbilisi Appeals Court.

Article 42 attorneys prepared and published two issues of their monthly newsletter and completed work on a new brochure on the role of motions as an important litigation tool in criminal proceedings. The newsletters highlighted important cases that were handled by Article 42. Special attention was paid to the rights of the accused/defendants, especially during the investigation stage of criminal proceedings. The newsletters were distributed to lawyers, parties to criminal proceedings, students and email list-serves. The brochure contains detailed information on the rules of procedure related to the submission and consideration of motions by courts and their implementation. It includes samples of various types of motions and an outline of what they should include. The brochure will be published in the coming quarter.

### **Statistical Summary**

Number of consultations provided during the reporting period:	In Person:	Telephone:	Written
	20	26	1

Number of cases in progress	34
Number of new cases	12
Number of cases completed during the reporting period	9
Number of successfully completed cases	6

#### *Nature of Cases:*

(since a case can be initiated on several counts, the total number of cases given in the statistical breakdown may be more than the number of ongoing cases)

Crime against life	1
Crime against health	0
Crime against property	8
Drug-related offenses	2
Crime against sexual freedom	0
Crime against public security and order	2
Crime against human rights and freedoms	0
Transport crime	0
Crime against the state	2
Crime against the military	1
Crime against judicial authority	1

*Defendant Statistics:*

During the reporting period, Article 42 assisted 41 people including:

Male	Female	Minor	Employed /With source of financial income	Unemployed/ Without source of financial income	With higher education	With secondary Education
36	5	0	8	33	5	36
Georgian	Other nationalities		IDPs	Convicted	Defendant	Victim
33	8		3	29	12	0

*Publications:*

Name	No. of Publications	No. of Copies Distributed
Newsletter #2	2,000	1,500
Newsletter #3	2,000	1,500
Newsletter #4	2,000	1,500
TOTALS	6,000	4,500

**Liberty Institute**

As reported during the previous quarter, the Civil Liberties News Service became one Liberty Institute's main tools for publicizing the results of its fact-finding activities in a quick and effective manner. The news service covers news related to human rights and civil liberties in Georgia, conducts monitoring and fact finding of human rights violations and performs independent research and investigations of basic civil and political rights violations and corruption in Georgia. The online publishing group distributes human rights violation alerts to NGOs, international organizations, government institutions and civil society in Georgia via mail lists. The Civil Liberties News Service is the most active and frequently updated publication on the site. Daily human rights-related news covers freedom of religion violations, media restriction cases, freedom of speech violations, updates on Liberty Institute activities and campaigns and regional fact-finding publications. The Civil Liberties News Service also covers ongoing reforms in the Georgian public sector.

The news service also conducts independent investigations and research on controversial issues and reports of fundamental civil rights violations. One of the online publications was based on the case of the village community of Ivrita in the Akhaltsikhe region. A Catholic church had been occupied by an Orthodox priest, and the site was declared Orthodox by Theodore, the Archbishop of Akhaltsikhe. The Orthodox priest had been

steadily turning the Catholic church into an Orthodox one, including destruction of French missionary and Georgian Catholic priest graves, which had been regularly visited by the region's predominantly Catholic community. The Civil Liberties News Service distributed an alert to international organizations and human rights institutions about the serious violations of freedom of expression in the region and encouraged international society and human rights institutions to take action and defend the community's rights. Liberty Institute has received substantial feedback regarding this case.

The Civil Liberties News Service researched instances of torture during pre-trial detention over the last six months. A number of materials were published on particular cases, including those of Gia Lobzhanidze and Valeri Kurtanidze who were allegedly tortured with electricity by the Didube-Chugureti police in April. The news service also published, *Torture remains a primary tool of police to get a confession*, with the latest statistics on cases of torture, which was compiled with input from Georgian human rights organizations.

Improvement of the Civil Liberties News Service is a continual process. The primary goal of the news service is to provide thematically organized information and to make it available at relevant resource centers. This will make the service more user-friendly and, consequently, more effective. The initial list of themes, which will serve as the basis of its organization, includes anti-corruption, freedom of religion, freedom of expression, criminal justice, civil disobedience, elections, media and elections, privacy, environmental rights, accountability in the energy sector, freedom of assembly and civil liberties in general. All of this is part of a larger plan to reconstruct the website, including changes in the website design and navigation tools in order to attract more users and to improve Liberty Institute's exposure.

Online legal consultations were envisaged as one of the innovations in the activities of Liberty Institute under Task 2. Due to the fact that the majority of Georgians do not have access to the Internet and are not well informed about the Internet, the Liberty Institute has not realized its plans to make online consultations operational in the first quarter. After realizing this problem, the Liberty Institute began to analyze the existing situation in order to develop a sound plan for promoting this service among those segments of the population that do use the Internet. In the first stage, Liberty Institute identified the most frequently asked questions about freedom of religion and assembly and the right to speech and posted these questions and answers on its website. This method proved to be effective in advertising their service among the public. Through this service, any person can ask a question online by completing a required form, and Liberty Institute's legal consultant replies with free legal advice. Periodically the most frequently asked Q&As are published on the website, which gives the broader audience access to the work of the online legal aid service. Online consultations also provide confidential support, because Liberty Institute can reply to questions via e-mail or phone rather than publicly on the web. The legal consultations feature was also promoted in the regions, because almost a third of the questions come from outside of Tbilisi. Liberty's regional offices provide Internet access in the regions and assist local communities in fully and effectively using online legal assistance.

Liberty Institute Forum is another facet of the website. It supports public discussions on controversial issues in an informal manner with a Liberty Institute staff person serving as the moderator. Liberty also plans to use the forum as a tool for educating the public on civil liberties by initiating discussion on different aspects of democratic society, such as transparency, participation and accountability. By joint efforts of legal consultations and moderated forums, Liberty Institute will support the exchange of experiences and ideas within society.

### **List of Deliverables**

#### *Deliverables in Hard Copy*

1. Article 42's Newsletter #2
2. Article 42's Newsletter #3
3. Video Cassettes of GYLA's legal aid centers TV programs
4. Audio Cassettes of GYLA's legal aid centers Radio Programs

### **TASK 3: More Open and Transparent Government or Administrative Process**

The present report covers the activities performed by IRIS and its partner organizations – UN Association of Georgia (UNAG), Association of Young Economists of Georgia (AYEG), Judicial Training Center (JTC), Liberty Institute and Georgian Young Lawyers Association (GYLA) – under Task 3.

IRIS continues close cooperation with the Ministry of Justice in order to promote implementation of the current administrative law, particularly the Freedom of Information Chapter. In cooperation with the Judicial Training Center at the Ministry of Justice, IRIS organized a workshop for journalists titled *Legal Education for Journalists in Constitutional and Administrative Law*. The workshop was conducted June 19-20 in Bakuriani. The 23 participants of the workshop included experts of constitutional and administrative law and proceedings. The experts involved were representatives of IRIS, the Supreme Court of Georgia and the Fund for Reforms and Development under the President of Georgia. The participants received the Guide on Freedom of Information prepared by IRIS as well as the recommendations of the Council of Europe on press and publications on freedom of information and human rights and freedoms prepared by UNAG and Alfami, IRIS's partner organizations. Meetings and consultations on various issues of administrative law with representatives of the Ministry of Justice (MoJ) also continued during the reporting period.

Following the personnel changes at public agencies made during the reporting period, IRIS continued with distribution of two checklists published last year (Enactment of Administrative Acts and Enactment of Administrative Decrees in accordance with the General Administrative Code) among the public agencies. These checklists were provided to public servants at the Department of Citizenship at the Ministry of Justice and at the Vani regional self-government and governmental agencies. The checklists were also to the participants of the Telavi presentation (See Task 5). Distribution of these publications will continue in the future.

IRIS's activities were not confined to monitoring its partner organizations: IRIS had meetings with UNAG on different issues and rendered legal assistance on documents drafted and published during the reporting period. The lawyers of IRIS participated as experts in the workshop for public servants conducted by UNAG on June 1-3, 2004.

IRIS has been closely cooperating with public servants of local self-government agencies in the regions for the purpose of implementation the Freedom of Information Chapter of the General Administrative Code. One activity was the assistance of IRIS to the Sakrebulo (local self-government representative body) of the town Khashuri. IRIS and its grantee UNAG provided legal expertise for the document submitted by the secretary of Khashuri Sakrebulo on the implementation of the Freedom of Information Chapter provisions in local self-government agencies.

IRIS replies promptly to the initiatives of different persons interested in freedom of information. For example, on the initiative of the Legal Education Center, an NGO

operating in Vani region, IRIS decided to conduct training for Vani self-government and government agencies during the next quarter.

IRIS is also trying to help its staff members improve their knowledge of the General Administrative Code, with several junior staff members involved in different various aspects of the workshops organized by IRIS and its grantees.

### **Assessment of the Authority of the President's Administration and the Cabinet of Ministers/Prime Minister regarding Examination/Solution of Administrative Claims**

As mentioned in previous quarterly reports, IRIS prepared research on the Authority of the President of Georgia regarding the Examination of Administrative Claims. This research was based on the legislation in force at the time. However, in light of the constitutional and legislative amendments introduced during the present reporting period, the above issue, which seemed resolved, became the subject of interest again, and IRIS continued studying the question of administrative claims. Based on the constitutional amendments, new legislation was adopted that took a new approach to regulating a number of issues concerning examination and the solution of administrative claims at the presidential level.

During the reporting period, IRIS finalized the research on the Authority of the President and the Prime Minister/Government of Georgia regarding Examination of Administrative Claims. The Constitutional Law on the Status of the Autonomous Republic of Adjara that was passed after the reporting period (July 1, 2004) was also reflected in the research. We considered it necessary to incorporate this law in our research and our study has demonstrated the issue has not been properly regulated to date. IRIS will continue working in this area as required by the situation in the country.

### **Transparency of the Judiciary**

IRIS is proceeding with work on the transparency of the judiciary, with several informal meetings held during the period. IRIS participated in training and roundtables conducted by the Council of Europe (CoE) on Georgian legislation sharing the experience of several member-countries regarding judicial transparency and providing recommendations. In order to study the issue and analyze the court practice more thoroughly, on May 8, 2004, IRIS conducted a one-day roundtable on Freedom of Information and the Transparency of the Judiciary. Participants at the roundtable were 13 judges from the common courts, the Supreme Court, Tbilisi District and City Courts, three representatives of IRIS, and a representative of ABA/CEELI. For the roundtable, IRIS prepared research containing analysis of Georgian legislation on the topic as well as other related documents. To ensure the effectiveness of the roundtable, copies of the research together with the recommendations of the Council of Europe were distributed to the participants of the roundtable beforehand. The recommendations formulated at the roundtable were later sent in a written form to all the participants. IRIS will continue to work on the above issues in close cooperating with ABA/CEELI.

## UNAG

During the quarter, UNAG recruited new staff, with some internal changes made in the working group of the project both in Tbilisi and the regions. Legal experts were hired to work on contradictions between the General Administrative Code and other laws and to prepare relevant proposals for amendments.

During the quarter, site visits were organized in both previously and newly targeted towns and villages. Site visits were also very practical for monitoring the situation to comparing with the reports submitted by the contact persons of the relevant regions. UNAG noted that the staff of the old target public agencies generally tried to follow recommendations and model documents designed by UNAG. Public agencies still face huge problems due to a lack of proper equipment. Nonetheless, in most of the institutions, some significant results have been achieved.

On April 21-23 UNAG visited its past target towns/villages: Ozurgeti, Dvabzu, Poti, Ingiri, and the new targets of Chokhatauri and Zugdidi. The project is divided into two parts, one part operated in the past target regions, and others in the new ones. In the past target regions, the staff of the project had meetings with the FOI officers and/or the heads of the target institutions and examined the existing situations in each of the target public agencies. Unlike other new target cities, public servants of Chokhatauri region were quite well informed about the Freedom of Information Chapter.

Representatives of the local self-government of that region stressed the importance of the General Administrative Code, stating that the Code should be a guideline for every public institution. In Zugdidi, the officials of public agencies were similar to those in other new target regions and had no information about the requirements of Chapter 3 of the Code.

Site visits were organized on June 9-10 in Telavi and Lagodekhi and on June 16-17 in Akhaltsikhe and Akhalkalaki. UNAG noted that the situation in Telavi and Akhaltsikhe had improved since the beginning of the project. The situation in Lagodekhi was not as satisfying as in Telavi, though public officers were eager to fulfill requirements of UNAG and had learnt much about the Freedom of Information Chapter. The staff of the target public agencies in Akhalkalaki cooperate with UNAG with great interest and follow all the recommendations provided to them. During the quarter, UNAG prepared and sent recommendations to new target regions. Currently the heads of some of the target public agencies are changed. UNAG increased its efforts to make sure that the newly appointed officials also understand the importance of the Administrative Code.

During the quarter, contact persons in regions filled out special forms titled “Conclusion” for each public institution. In accordance with this form, further recommendations will be compiled and sent to the institutions.

As a response to the needs of various public agencies in the regions, UNAG organized several workshops. The workshop in Chokhatauri was held on April 21, 2004. The project covers 14 public agencies of the region. Twelve representatives from nine target

institutions attended the workshop. The workshop in the Zugdidi region was held on April 23, 2004. The project coverage area includes 12 public agencies, and 7 representatives from 5 target public agencies attended the workshop. Both workshops were organized particularly for the heads of staff, FOI officers, senior specialists, and heads of the agencies.

On June 1 – 3, 2004 a workshop was organized for representatives of different state ministries, representatives of the courts system, and local self-governmental agencies. The event was mostly educational in character and designed to improve the level of awareness of the Code among the 23 participants. Different experts, including three staff members of IRIS, were invited to deliver a lecture on various topics of the General Administrative Code. The third day of the workshop was dedicated to a practical exercise – role-playing. The role-playing covered problematic issues encountered in the practice of public agencies. At the concluding stage of the workshop, the participants took tests specially prepared for the relevant occasions. The test consisted of 29 questions. The goal of the testing was to gauge the knowledge of participants and their ability to understanding concrete issues identified at the workshop, as well as exposing effective and problematic aspects of public agencies.

As a part of their initiative to promote awareness of the FOI Chapter, UNAG has also published several articles on the topic in regional newspapers. For example, an article on Chapter 3 of the Administrative Code and the problems associated with its implementation was published in the Zugdidi regional newspaper, “Kovelkvireuli Gazeti.” As Zugdidi represents a new target area of the project, the article was mostly informational and touched upon main topics of the Freedom of Information Chapter in order to attract the attention of the public officers as well as the general population.

UNAG is often contacted by representatives of various public agencies for legal advice. A special consultation form was created, which will be used for statistics. Frequently asked questions will be collected and UNAG will consider them in the implementation process. During the quarter, UNAG has also initiated preparatory work on the FOI competition.

UNAG also finished work on its series of cartoons. The cartoons concerning four different issues of the Freedom of Information Chapter have been created. They were designed at “Rustavi 2,” and are mostly of informational character, explaining to citizens their rights and obligations as set forth in the General Administrative Code. The cartoons discuss the following topics: access to public information; release of public information; nullification or amendment of a decision; and the openness of a meeting of a corporate public agency.

Legal experts hired by UNAG completed their work during the quarter, researching 42 different laws, and finding some contradictions. A legal expert analyzed and prepared relevant proposals for amendments. These proposals will be discussed with other interested parties and relevant draft proposals will be prepared.



UNAG began preparatory work for a model document entitled *Procedures for Reviewing Applications and Administrative Complaints of Citizens*. UNAG hopes that the model document will help public agencies as well as ordinary citizens to better understand their rights and obligations and to internalize various principles laid down in the General Administrative Code. The model document has already been prepared, with plans to publish it in three languages, Georgian, Russian, and English, with 300 copies each.

During the quarter UNAG published the following:

1. Four new posters concerning the Freedom of Information Chapter. The posters are primarily informational and contain quotations from the General Administrative Code. They are as follows: 1) Request for public information; 2) Access to a copy of public information; 3) Release of public information; 4) Nullification or amendment of a decision. Claim for damages. Posters will be distributed among target public agencies of the project as well as various public agencies and NGOs.

2. A special poster *How to Obtain Public Information* was prepared to show target public agencies how an application should be completed and what kind of applications they should accept. Public agencies should complete example forms and hang them in prominent viewing areas of their reception hall.

UNAG has also continued distribution of publications produced in the previous quarter. During this quarter, 276 copies of various materials published in previous quarters were distributed. As a rule UNAG's publications were distributed at the events and also among all target public agencies, NGOs and other interested parties.

## Statistical Summary

UNAG Posters	Copies Printed	Copies Distributed
Request for public information	500	193
Access to the copy of public information	500	193
Release of public information	500	193
Nullification or amendment of a decision. Claim for damages	500	193
How to Obtain Public Information	500	100

## AYEG

The final stage of the Project for Implementation of Licensing covered the period from April to May 2004. For the reporting period, in order to accomplish project objectives and aims, the Association of Young Economists of Georgia conducted various activities: two conferences were conducted for entrepreneurs, desk research over the five licensing sectors was prepared and published, and five conferences were held for relevant staff agencies.

### *Conferences for Entrepreneurs*

On April 29 and 30, 2004 two conferences were conducted for entrepreneurs, entitled *How to Obtain Licenses and Permits for the Veterinary Sector*. Over 42 entrepreneurs participated in the conferences, including representatives of small business. Despite the fact that their turnover was rather low, interest in the license/permit systems was high. Nevertheless, their attitude towards licensing/issuance of permits was negative. The objectives of the conference were:

- popularizing the guide among entrepreneurs;
- detailing the guide's content to entrepreneurs;
- defining the license/permit issuing procedures in detail; and
- encouraging the entrepreneurs to operate legally and to apply for licenses/permits.

Major achievements of the conference were:

- comprehension and clarification of the requirements of the newly adopted law still unknown to entrepreneurs;
- entrepreneurs received detailed information over the procedures and terms for issuing licenses/permits introduced by the General Administrative Code; and
- entrepreneurs were provided with detailed information on their responsibilities and authorities, and the activities required in case of violation of law.

### *Draft Regulations Developed for Selected Agencies*

Draft regulations for the agencies issuing licenses/permits were prepared during the previous reporting period. These drafts were presented to the relevant state agencies for consideration and approval. The following drafts were prepared:

1. Draft Regulations for the Division Issuing Licenses/Permits at the Food Products Expertise and Monitoring Agency;
2. Draft Regulations for the Wining Regulations and Licensing Division of “Samtresti” Department;
3. Draft Regulations for the Organizational-Technical Assistance Division issuing Licenses/Permits at “Sakminkhiltskali” Department;
4. Draft Regulations for the Organizational-Technical Assistance Division issuing Licenses/Permits at the Veterinary Department;
5. Draft Regulations for the Organizational-Technical Assistance Division issuing Licenses/Permits at Standardization, Norms and Licensing Department of the Ministry of Labor, Healthcare and Social Security of Georgia.

Approval of the draft regulations was delayed due to current re-organization in state agencies. However, it has to be stressed that draft regulations are applied as instructions, and the agencies issuing licenses/permits operate according to the proposed regulations.

In view of the activities and agreements, it is anticipated that the state agencies will adopt the proposed draft regulations after reorganization is complete.

### *Preparing and Publishing of Desk Research*

The final stage of the project was analysis of the areas where the new law on licensing was not implemented within the project. The desk research reports on license/permit systems were prepared on the following sectors:

1. Agrochemicals;
2. Geology;
3. Pesticides and Other Plant-Originated Production;
4. Grafting, Seeding and Sapling Production;
5. Transportation.

As a result of the analysis, project experts identified practical and legislative problems and also developed recommendations for implementation of the new licensing law.

Each sector research was published in 100 copies. For the reporting period, up to 50% of the publications have been distributed among the state agencies and other interested persons.

## Statistical Summary

No.	Research	Published (Quantity)	Distributed (Quantity)
1	Report on Research of Licensing and Permit Systems for the Pesticides and Other Plant-originated Production Sector	100	50
2	Report on Research of Licensing and Permit Systems for the Grafting, Seeding and Sapling Production Sector	100	45
3	Report on Research of Licensing and Permit Systems for the Geological Sector	100	52
4	Report on Research of Licensing and Permit Systems for the Agrochemical Sector	100	48
5	Report on Research of Licensing and Permit Systems for the Transportation Sector	100	57

### *Conferences for Staff Agencies*

Based on research results, 5 conferences were conducted on May 25, 27, 28, 29 and 31, 2004 for representatives of relevant state agencies. Among the participants were 112 attendees from 8 state agencies. Each of the five conferences discussed the respective sectors indicated above and the related research.

The research was highly praised by the staff agencies, especially the recommendations from each report. The identified problems and developed recommendations were discussed with the representatives of staff agencies at the conferences. Agreement was reached over constructive collaboration in the future.

In conclusion, we'll underline some of the most important activities implemented by AYEG during the project:

1. Twelve conferences for entrepreneurs were held during the implementation of the project, attended by more than 250 participants. As a result:

The conferences revealed a problem with information. A large group of entrepreneurs was not aware of the existence of the new law on licensing and the established requirements. Additionally, the level of motivation to apply to the agencies issuing license for licenses/permits was low. The primary reasons listed were that a license/permit represents an administrative barrier and it does not provide any competitive advantage for a business. It is also important that most of the

agencies issuing licenses are not registered as controlling agencies. However, the conferences assured the entrepreneurs that they are obliged to obtain the license/permit according to the law to operate legally.

2. In order to increase accessibility of information, a computer program on “Medical Passports” was prepared and cited on the Internet. Medical Passports are one of the conditions for obtaining a license in the medical sphere. The prepared program will provide entrepreneurs with updated information and documentation.
3. Implementation of the project significantly changed the attitude and skills of the agencies issuing licenses/permits.
4. The various agencies and entrepreneurs welcomed the various guides, draft regulations, and research prepared by AYES.
5. Many recommendations worked out during the implementation process were accepted by the agencies.

We believe that the activities implemented under this project will greatly contribute to the development of Georgian legislation on licensing. Constructive relationships established between various agencies and AYES will guarantee future success in the implementation process. Based on the above points, IRIS is currently considering renewing the grant agreement with AYES. The experience gained this year will be fully utilized in planning future activities.

## **GYLA**

During the quarter GYLA conducted a workshop for the heads of administrative agencies of the Kakheti region on freedom of information. It was held on April 17-18, 2004 in Tsinandali. The workshop was a continuation of the previous one conducted in Bakuriani. Along with the theoretical approach, the workshop focused on practical implementation of FOIA and related problems. During the workshop, it became clear that participants were unaware of the discussed topics. It should be mentioned that representatives were very active, posing questions even outside the agenda. The 21 participants of the workshop received the guidebook *How should we request public information*, workshop materials on freedom of information; the Administrative Code, and the Administrative Procedures Code.

On June 25-27, GYLA conducted a workshop on the Administrative Procedures Code in Chakvi. The purpose of the workshop was generalization of the practice of the Tbilisi District and Supreme Courts. Judges from the Adjara region also participated in the workshop. Judges from Tbilisi District Court and the Supreme Court were invited as experts. The practice of Adjarian and other courts in administrative law was discussed at the workshop. Issues of public procurement and potential court disputes on this subject

caused a major dispute among participants. GYLA distributed workshop materials among the 24 participants.

### **Liberty Institute**

#### *Research on Amicus Curiae*

During the quarter, Liberty Institute printed a handbook on *Amicus Curiae*, the final product of research conducted by the organization. The handbook is designed for various interest groups, such as practicing lawyers, judges, scholars, legislators, and many others. The handbook consists of five chapters. The Introduction provides an overview *Amicus Curiae*. The Special Chapter is devoted to the use of *Amicus Curiae* before the US Supreme Court. Chapter 3 is devoted to *Amicus Curiae* – related procedures and its practice at the European Court of Human Rights. Chapter 4 provides an analysis of Georgian legislation in view of *Amicus Curiae* and the last chapter provides texts of several well-known *amicus* briefs submitted by different interest groups to the US Supreme Court and the European Court of Human Rights. The handbook will be very interesting for a wide spectrum of the Georgian legal community.

### **List of Deliverables**

#### *Deliverables in Electronic Format*

1. Agenda and List of Participants from the Roundtable for Judges in Tbilisi, May 8, 2004 (IRIS);
2. Event Form from the Roundtable for Judges, May 8, 2004 (IRIS);
3. Agenda and List of Participants from the Workshop for the Journalists in Bakuriani, June 19-20, 2004 (IRIS);
4. Event Form from the Workshop for the Journalists, June 19-20, 2004 (IRIS);
5. Agenda and Number of Participants from the Workshop for the Public agencies in Chokhatauri, April 21, 2004 (UNAG);
6. Event Form from the Workshop for the Public agencies in Chokhatauri, April 21, 2004 (UNAG);
7. Agenda and Number of Participants from the Workshop for the Public agencies in Zugdidi, April 23, 2004 (UNAG);
8. Event Form from the Workshop for the Public agencies in Zugdidi, April 23, 2004 (UNAG);
9. Agenda and Number of Participants from the Workshop for the Public Officers of the Public Institutions in Tbilisi, June 1-3, 2004 (UNAG);
10. Event Form from the Workshop for the Public Officers of the Public agencies in Tbilisi, June 1-3, 2004 (UNAG);
11. Agenda and Number of Participants from the Conference “How to Obtain a License/Permit in the Veterinary Sector”, April 29, 2004 (AYEG);

12. Event Form from the Conference “How to Obtain a License/Permit in the Veterinary Sector”, April 29, 2004 (AYEG);
13. Agenda and Number of Participants from the Conference “How to Obtain a License/Permit for the Entrepreneurial Activities in the Veterinary Sector”, April 30, 2004 (AYEG);
14. Event Form from the Conference “How to Obtain a License/Permit for the Entrepreneurial Activities in the Veterinary Sector”, April 30, 2004 (AYEG);
15. Agenda and Number of Participants from the Conference “Research on License/Permit System for the Pesticides Sector”, May 25, 2004 (AYEG);
16. Event Form from the Conference “Research on License/Permit System for the Pesticides Sector” May 25, 2004 (AYEG);
17. Agenda and Number of Participants from the Conference “Research over License/Permit System for the Geology Sector” May 27, 2004 (AYEG);
18. Event Form from the Conference “Research on License/Permit System for the Geological Sector” May 27, 2004 (AYEG);
19. Agenda and Number of Participants from the Conference “Research over License/Permit System for Sector of Producing the Materials for Grafting, Seeding and Sapling” May 28, 2004 (AYEG);
20. Event Form from the Conference “Research on License/Permit System for Sector of Producing the Materials for Grafting, Seeding and Sapling” May 28, 2004 (AYEG);
21. Agenda and Number of Participants from the Conference “Research over License/Permit System for the Agrochemicals Sector”, May 29, 2004 (AYEG);
22. Event Form from the Conference “Research on License/Permit System for the Agrochemicals Sector” May 29, 2004 (AYEG);
23. Agenda and Number of Participants from the Conference “Research over License/Permit system for the Transportation Sector”, May 31, 2004 (AYEG);
24. Event Form from the Conference “Research over License/Permit System for the Transportation Sector”, May 31, 2004 (AYEG);
25. Agenda and List of Participants for the Workshop on Freedom of Information in Tsinandali, April 17-18 (GYLA);
26. Agenda and List of Participants for the Workshop for Judges on Administrative Procedure in Chakvi, July 26-27 (GYLA);

*Deliverables in Hard Copy*

1. Poster: Request for Public Information (UNAG);
2. Poster: Access to the Copy of Public Information (UNAG);
3. Poster: Release of Public Information (UNAG);
4. Poster: Nullification or Amendment of a Decision. Claim for Damages (UNAG);
5. Form for filling application “How to Obtain Public Information” (UNAG);
6. Research over License/Permit System for the Pesticides Sector (AYEG);
7. Research over License/Permit System for the Geological Sector (AYEG);
8. Research over License/Permit System for the Agrochemical Sector (AYEG);
9. Research over License/Permit System for Sector of Producing the Materials for Grafting, Seeding and Sapling (AYEG);
10. Research over the Transportation Sector (AYEG);

11. The Handbook on Amicus Curiae (LIBERTY);
12. The Handbook on Amicus Curiae (LIBERTY);
13. Event Form for the seminar on Freedom of information in Tsinandali on April 17-18 (GYLA);
14. Seminar materials for the heads of administrative agencies on Freedom of information in Tsinandali on April 17-18 (GYLA);
15. Event Form participants for the seminar for Judges on Administrative Procedure in Chakvi on July 26-27 (GYLA).



#### **TASK 4: Support for Legislative Drafting**

The second quarter has been quite dynamic in terms of legislative drafting. Intensive work on constitutional issues was stimulated by the “Second Rose Revolution” in Adjara in May 2004, after which the issue of regulating Adjara’s status at the constitutional level became a priority.

##### **Constitutional Issues**

The work on constitutional issues was carried out primarily in two directions: a) the draft law on substantial revision of the Constitution and b) the Draft Constitutional Law on the Status of Adjara.

##### *Draft Revisions to Current Constitution*

During the reporting period, IRIS lawyers were involved in preparing the draft on substantial revision of the current Constitution. Liberty Institute representatives prepared the draft, which is not official but is regarded as being supported by the Government. IRIS’s participation in this process was limited to providing legal comments on the draft and technical assistance, with the primary focus on the Human Rights Chapter of the Constitution. The draft contains amendments that will completely change the Human Rights Chapter. Moreover, the draft provides a number of other significant changes, such as:

- replacement of one ombudsperson by several ombudspersons,
- abolition of the Constitutional Court and exercise of constitutional control over the courts of general jurisdiction,
- the introduction of a jury,
- introduction of a bicameral parliament and division of functions between different chambers, and
- reflection of national regulatory commissions in the constitution, to determining general competencies.

It is noteworthy that working meetings and discussions on the above draft were conducted almost daily throughout the whole reporting period. Meanwhile, IRIS had been continually providing information to USAID, translating the draft constitutional amendments and providing it to different USAID partners as well as other interested organizations.

A three-day workshop in Budapest is planned in July to improve the draft and substantially revise disputed issues. The participants of the workshop will include both Georgian and foreign experts including MPs and representatives of the government and IRIS.

The Parliament of Georgia is likely to consider the draft in fall and winter of this year. IRIS experts, both local and foreign, will continue active participation in this process.

#### *Draft Constitutional Law on Status of Adjara*

During the reporting period, intensive work was done on the Draft Constitutional Law on the Status of Adjara, which aims to define the status of Adjara and distinguish between authorities of the center and region. A special parliamentary commission was set up within the Parliament in order to promote the drafting process. Experts from IRIS were actively involved in the work of this commission.

A one-day conference was held by GYLA concerning draft. The conference brought together representatives of the NGO sector (including IRIS), the Executive Branch, and the Parliament. Discussion of the draft included many critical remarks that were later sent to the appropriate parliamentary commission.

It is worth noting that the Parliament started considering the draft on a plenary session at the end of June, and at the beginning of July it will be passed by all three hearings.

#### *State of Emergency*

The reporting period was also marked by intensive work on research concerning the state of emergency. The research is completed and IRIS has been consulting with the relevant departments about organizing a roundtable on the subject. The roundtable will be conducted in mid-July and will be attended by representatives of the Executive Branch, Parliament, and the NGO sector.

#### **Draft Law on Freedom of Speech**

As mentioned in the last quarterly report, IRIS was actively participating in drafting the Law on Freedom of Speech. This process continued during the present reporting period: IRIS representatives were involved in committee hearings and workshops held under the auspices of the Parliament's Legal Affairs Committee in order to improve the above draft. Most of the comments suggested by IRIS were accepted and incorporated into the draft.

Finally, during the reporting period, Parliament adopted draft by all three hearings, which can be considered a great success in terms of implementing feasible mechanisms for guaranteeing freedom of speech in the country.

#### **Administrative Violations Code**

As mentioned in the previous quarterly report, a qualified expert was hired by IRIS in order to produce substantial research containing an analysis of the current legislation on

administrative violations and recommendations for reforming such legislation. The research has been completed and will be translated into English during the next quarter. Additionally, a round-table on the issue is planned.

### **Draft Law on the Protection of Personal Data**

A number of issues related to the Draft Law on the Protection of Personal Data have been raised during the reporting period. The Georgian Enterprise Growth Initiative (GEGI), funded by USAID, is actively involved in the drafting and lobbying of the Law on the Formation of Credit Information Bureaus. This issue is closely related to personal data issues. Therefore, at GEGI's request, staff attorneys from IRIS joined the working group as experts. This draft law is closely related to the processing and storage of citizens' personal data, which is one of IRIS's priorities. IRIS has been working on the issue of protection of personal data for several years. GEGI was authorized by IRIS to incorporate the articles drafted by IRIS staff for the draft Law on the Protection of Personal Data in the new Law on the Formation of Credit Information Bureaus. Representatives of one of the local NGOs working in the field of business were also interested in the draft prepared by IRIS. All interested parties received the copies of the draft law.

Furthermore, the Ministry of Justice of Georgia is working on the uniform civil registry system in Georgia. This system should be based on the collection of various types of personal information. In this regard, the Ministry was also interested in the draft law on personal data, which was sent to the Deputy Minister of Justice.

It should be noted that this quarter was marked by expression of interest towards this law by various parties, which has never been the case before.

### **Draft Law on State Secrets**

IRIS provided critical comments on the Draft Law on State Secrets prepared by the Ministry of Security. Consequently, the progress of the draft was halted and there has been no further discussion to date. If the issue is raised again IRIS will continue intensive efforts in that direction.

## **Criminal Procedures Code**

The existing Criminal Procedures Code was adopted on April 20, 1998. During the last 5 years it was amended more than 10 times. However, law enforcement agencies and NGOs still lobby for further amendments. Existing criminal procedures are formalistic, resulting in ineffective work by law enforcement agencies. It is further burdened with bureaucratic practices and duplication of functions. These factors heavily increase expenses as well as the duration of the process. Proceedings last for several years and thus become one of the major causes for human rights abuses.

Considering the current situation a decision was made to prepare new legislation in the field of criminal procedures. There is a strong consensus among law enforcement agencies and NGOs for the need to adopt new legislation. On December 6, 2001, under Presidential Decree No 499, the Temporary Interdepartmental Commission was formed at the National Security Council for the Institutional Reform of the National Security and Law Enforcement Agencies. Under the guidance of the Temporary Interdepartmental Commission, a Working Group for the Criminal Procedures Reforms was established. The Group prepared and adopted the new draft Criminal Procedures Code.

Creation of the draft should be regarded as a positive change; however, it has several shortcomings that make it incompatible with respect to the commitment to human rights. The general aim of the draft should be the development and promotion of the constitutional guarantees, implementation of international human rights standards and enforcement of the principles of fair trial.

Unfortunately, several arguments that initiated the need for the new criminal code were not reflected in the draft. The major problem is that the draft represents a compilation of the procedural concepts of Georgian legislation and several European countries. Therefore, a number of provisions contradict each other. As reported, IRIS was involved in the evaluation of the draft from a human rights perspective. These comments were relied upon at the conference held in Budapest in July 2003, where the draft was discussed by representatives of governmental and nongovernmental sector, as well as invited criminal law experts. At that time, the common consensus was that the draft needed serious amendments and changes.

The new government of Georgia put the Ministry of Justice in charge of finalizing the draft Criminal Procedures Code. For that purpose, the Minister created a working group consisting of representatives of Liberty Institute and GYLA. The group, entrusted with amending and updating the draft, decided to divide the tasks among representatives of the Liberty and GYLA in order to ensure efficient and effective work. Work on specific themes continued in separate smaller working groups maintaining close cooperation and coordination with GYLA's working group charged with the promotion of the right to defense throughout all stages of the proceedings, which aims to achieve an effective balance of powers between prosecution and defense. The working group of the Liberty Institute focuses on the introduction of jury trial procedures and rules of evidence. GYLA's working group asked IRIS for assistance and involvement in the drafting

process. The mandate of this group focusing on human rights of defendants was in line with the interests and mandate of IRIS so the decision has been taken to involve IRIS staff members in the work of this group in consultation with USAID.

During the reporting period, GYLA's working group completed its part of the work and sent it to the Ministry of Justice. Noting the time constraints (the Ministry intends to have the draft substantially finalized by the beginning of September), GYLA's working group volunteered to take up some of the issues that were not previously assigned to it, such as articles related to the victim of the crime, witnesses and experts, and international cooperation. After the second group completes its part of the work, the two groups will begin working on the finalization of the entire draft, to prepare it for presentation to local and international experts for their review and critical comments. IRIS closely cooperated with ABA/CEELI during the entire process and IRIS representatives initiated several coordination meetings for better cooperation among the working groups. USAID was regularly updated on the developments.

### **List of Deliverables**

#### *Deliverables in Electronic Format*

1. The Draft Amendments to the Constitution of Georgia (English)
2. The Research on the State of Emergency (English)
3. The Research on the Administrative Violations Code (Georgian)

## **TASK 5: Information and Training**

### **Website and Electronic Newsletter**

IRIS is working on redesigning our web page to make it more user-friendly and the search for an appropriate web-designer has begun. PDF versions of the newsletters were distributed via e-mail to USAID, IRIS partners, and the NGO community. Three issues of the newsletter were published during the quarter and are available to download from the IRIS website: <http://www.iris.ge/en/resources.html>

The web sites of IRIS's grantees have also been under development and were discussed under the appropriate tasks.

### **Distribution of Publications**

During the quarter, IRIS continued distribution of the Georgian-language publications of Herman Schwartz's book, "The Struggle for Constitutional Justice in Post-Communist Europe" and Andras Sajo's book, "Limiting Government: An Introduction to Constitutionalism," as well as three other books published in previous years.

For distribution of the books and other publications to a wide range of readers in the regions, IRIS organized a presentation in Telavi in June. More than 150 representatives of civil society and the legal community of the Kakheti region attended the presentation. IRIS and its 10 grantees presented and distributed more than 1,000 copies of books, journals, brochures, guides, CDs with radio programs and other materials produced under the Rule of Law program. PSAs and documentary films were shown on three screens during the presentation. Each organization had representatives at the demonstration stands that were giving information about the activities of their organizations to the interested guests.

IRIS chose Telavi for the presentation, because currently the civil society in the Kakheti region is weak and we hoped to bring about some positive changes. From the reactions and comments of the people attending this event, they appeared extremely interested and the request for printed materials was overwhelming. The books and brochures printed by IRIS were extremely popular among the attendees, with demand at least three times higher than available copies, with many requests for specific publications from local libraries, universities, and individuals.

### **Publication of Georgia's Amended Constitution**

IRIS decided to postpone publication of Georgian and English texts of the amended Constitution of Georgia, since new substantial amendments are expected. Instead of publishing these texts in hard copies, IRIS will distribute the edited English text of the Constitution in an electronic format.

### **Selection of New Books for Translation**

After proposing several texts IRIS followed the direction of our USAID CTO and postponed the selection of English language legal books for translation and publication in Georgian. It is expected that after the evaluation of IRIS activities we will receive concrete directions on this project.

### **Commentaries on the Human Rights Chapter of Georgia's Constitution**

A team of authors at the Institute of Law continued preparation of commentaries on the human rights related provisions of the Georgian Constitution. Gia Khubua has completed work on Articles 38, 39, 41 and 44. While writing the commentaries, the authors have used case law of the European Court of Human Rights. Konstantin Korkelia has completed work on the right to asylum (Article 47) and the right to political activities of foreigners (Article 27) after studying practices of the international human rights institutions. Levan Izoria has completed work on the right to assembly (Articles 25) and the right to strike (Article 33), the right to participate in cultural life (Article 34), and the right to health (Article 37). Konstantin Kublashvili has written commentaries on procedural rights (Articles 40 and 42) and the restriction of rights in time of emergency (Article 46).

Under the grant agreement, the Institute of Law will hold 10 round tables, over the course of 11 months, with the legal community to expand and discuss topics presented in the commentaries. In the third quarter, the Institute has organized four round tables. Presentations were delivered by Gia Khubua (Right to Equality), Konstantin Korkelia (Right to a Private Life), Konstantin Kublashvili (Right to a Fair Trial) and Levan Izoria (Right to Education).

At the round table given by Gia Khubua, several topics relating to the right to equality were discussed. It was made clear that the constitutional court and general courts should give wider interpretation to Article 14 of the Constitution. It was generally agreed that Article 14 should be understood not only as a negative obligation of the State, but also a positive one, such as the obligation of the State to take measures to secure equality of individuals in various areas of their lives. At the round table delivered by Konstantin Korkelia, emphasis was made on the moral inviolability of a person, collection of personal data, sexual privacy, and telephone taping by the State. At the round table delivered by Konstantin Kublashvili, issues related to procedural guarantees of the right to a fair trial were discussed. It was made clear that Article 42 does not have major drawbacks in itself, but that the problems exists with interpretation, which hinders implementation of the right in practice. The round table presented by Levan Izoria was devoted to the right to health. Although problems of constitutional interpretation were discussed in detail, the enforcement of the constitutional provision was of particular significance for practitioners. The general opinion was that neither lawyers nor the general public is aware of the substance of this right that gives individuals the right to

bring claims on the right to a healthy environment. In Georgian judicial practice there have only been a few cases of this kind. Experts from the state (including judges from common courts and the Constitutional Court) and non-state institutions (advocates, NGO representatives), as well as law students were invited to the round tables (lists of participants are attached).

Under the grant contract, commentaries discussed at the round-tables are to be published in Georgian periodicals. Commentaries on the right to privacy have been accepted for publication in the forthcoming issue of *Georgian Law Review* published by the Georgian European Policy and Legal Advice Centre (GEPLAC). The presentation delivered by Kublashvili will be published in the Journal "Freedom" (Liberty Institute) in July. The presentation given by Khubua will be published at the end of July 2004 in order to take into consideration remarks made at the round table. Izoria will submit his paper to the Constitutional Court's journal *An Individual and Constitution*.

The grant agreement with the Institute of Law provides enhancement of library and reading room capacity for the legal community. All the problems related to access to the bank account underlined in the previous report were solved at the beginning of the quarter. The institute purchased all the furniture and library facilities envisioned by the grant agreement. The reading room of their library is now fully operational.

### **Reorganization of the Central Chancellery within the Ministry of Justice**

IRIS continued cooperation with the Ministry of Justice designed to increase transparency and accountability, and decrease opportunities for corruption within the Ministry's public service center and central chancellery. After several meetings with representatives of the Ministry of Justice and discussions with the USAID mission, IRIS committed approximately \$20,000 for this project. Currently IRIS is awaiting concrete proposal from the MoJ, which is raising other necessary funds for the project. Implementation of this project is expected during the third quarter of the year.

### **Training of Judges' Assistants in Administrative Law and Public Procurement Law**

During the quarter, the Judicial Training Center (JTC) was contracted by IRIS to carry out a small project for the judges' assistants in administrative law and procedures. The program ran from May 1 - June 30, 2004. During this time JTC trained 120 assistants in six groups, 40 from Tbilisi Courts and 80 from the regions. Trainings occurred on the weekends. Per IRIS's request, JTC inserted two hours of training in Procurement Law in the program. Two judges from the Supreme Court and two judges from the Tbilisi District Court served as experts. A Team Member of OSGF Government Procurement Improvement Program was invited to conduct trainings in procurement law.

May 1-14 was dedicated to preparation activities with actual trainings starting on the weekend of May 15-16. The final program was on June 19-20 and all sessions were held



as scheduled. The JTC distributed the Administrative Code, Administrative Procedure Code and folders of materials including training materials prepared by the lecturers, several important court decisions on administrative cases, training agendas, as well as useful materials regarding procurement law. The main goals of the trainings was to raise the awareness of participants regarding the General Administrative Code and Administrative Procedure Code, familiarize participants with the sanctions to be used for administrative violations, give participants the opportunity to discuss various issues relating to administrative law and the administrative process, increase participants awareness of public procurement rules and procedures, and share information among participants, lecturer-judges, and colleagues.

A total of 124 judges' assistants were trained, compared to the 120 originally planned. The program covered almost all regional courts of Georgia with the training of assistants from Adjarian courts taking priority over other regions. The number of participants at each session varied from 18 to 26.

### **GYLA Library**

Since April 2004, GYLA staff have been working actively on the development of an electronic library catalogue. Currently Georgian and Russian catalogues are complete and printed on cards, and a catalogue of English book resources is still being developed. In April, 80-85 persons benefited from the GYLA library in Tbilisi; in May due to final exams this amount increased to 90-100 persons; and in June after beginning of summer holidays, it decreased to 45-50 persons. During the reporting period, new literature (202 books) was purchased both for the central and regional offices. Subscriptions have been made on modern Russian literature and periodical press (see deliverables).

### **List of Deliverables**

#### *Deliverables in Electronic Format*

1. Event forms and lists of participants of four roundtables organized by the Institute of Law
2. Event form and list of invited persons for Telavi presentation
3. List of purchased books (GYLA)
4. List of trained judges assistants (JTC)

#### *Deliverables in Hard Copy*

1. Copy of training materials provided to trainees (JTC)

## **TASK 6: Enforcement of Judgments**

During the reporting period IRIS still did not have a chance to resume cooperation with the Department of Enforcement of Court Judgments (DECJ) at the Ministry of Justice. The MoJ has not yet decided on the concrete areas in which they might need assistance from IRIS.